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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. WELCH of Vermont).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 25, 2007.

I hereby appoint the Honorable PETER WELCH 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.

The Chair recognizes the gentleman from Oklahoma (Mr. BOREN) for 5 minutes.

HONORING STEVE MOORE

Mr. BOREN. Mr. Speaker, I rise today to remember the life of a fellow Oklahoman, Steve Moore, who unexpectedly passed away on Saturday, September 22, 2007.

Steve was a great person and a great Oklahoman. Many in the Oklahoma community and around the Nation knew Steve as the CEO of OG&E, but he was much, much more.

In fact, Steve's leadership paved the way for OG&E to be recognized by Forbes magazine on its list of the Nation's best managed companies. Additionally, as approximately 750,000 OG&E customers know, the company received numerous awards for customer satisfaction in emergency response under Steve's guidance.

However, during his 61 years, Steve managed not only to be the leader of Oklahoma's largest utility provider, but also a civic leader throughout the State. Few may know that Steve is the past chairman of the Oklahoma City Chamber of Commerce, and he served on the boards of the Oklahoma City Public Schools Foundation, Allied Arts, the State Fair, the United Way, the Edison Electric Institute, and the foundations of both the University of Oklahoma and Oklahoma City University.

I think his list of civic activities, along with the State and national recognition given to OG&E, showed that Steve Moore truly cared for his employees, for his customers, and, above all else, his fellow Oklahomans. It was this home-grown Okie compassion that will make the Sayre-born and Altus-raised son of Oklahoma missed by us all.

With these thoughts, Oklahomans around the State send their condolences to Steve's wife Nancy, his daughter, Lisa, his son, Scott, and his mother, Melda. Steve will be missed, but not forgotten.

HONORING BROOKGREEN GARDENS IN MURRELLS INLET, SOUTH CAROLINA

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from South Carolina (Mr. BROWN) is recognized during morning-hour debate for 5 minutes.

Mr. BROWN of South Carolina. Mr. Speaker, yesterday this House unanimously approved H. Con. Res. 186, which honors the 75th anniversary of Brookgreen Gardens, which is located in my district in Murrells Inlet, South Carolina. I rise today to thank my colleagues for celebrating Brookgreen Gardens, which is one of the most beautiful places in coastal South Carolina.

In 1931, Archer and Anna Hyatt Huntington founded Brookgreen Gardens to preserve the native flora and fauna of coastal South Carolina and to display objects of art within that natural setting. Today, Brookgreen Gardens is a National Historic Landmark, and contains more than 550 works from American artists in what was the country's first public sculpture garden. Brookgreen Gardens also offers a natural exhibit center and a small zoo, which educates visitors on the unique species and issues of coastal South Carolina.

In conclusion, I would like to especially thank my colleagues from the South Carolina delegation that have shown bipartisan unity in cosponsoring this resolution, celebrating the 75th anniversary of the opening of Brookgreen Gardens.

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 7 minutes 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. ISRAEL) at 10 a.m.

PRAYER

Imam Yusuf Saleem, Masjid Muhammad, Washington, DC, offered the following prayer:

With God's name, the merciful benefactor, the merciful redeemer. We seek Your guidance, Your mercy, and Your forgiveness that this body of servants to God and this country will be blessed with hindsight, insight, and foresight as only You can provide. Supply this elected assembly, entrusted by our Nation's citizens, to ultimately trust the creator of us all. As defined by humans, these are delicate times, but still we know it is Your times. So let truth, excellence, justice, and service lead the intellects and souls of our House of Representatives.

Yes, God bless America. Yes, God has blessed America. Yes, God is still blessing America, a land of diversity in every imaginable way. For in the Holy Quran, a book of guidance to humanity, it states, ''God has honored all of the children of Adam.'' And in America's Declaration of Independence, ''all men are created equal.''

So, with resources, material, spiritual, and mental, we thank God. We thank You, God, for engineering the tradition of this land to witness that life and liberty must be secured by submitting our wills to Your plan. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mrs. DRAKE 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 IMAM YUSUF SALEEM

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

Mr. ELLISON. Mr. Speaker, it is my privilege to introduce to the Members of this body Imam Yusuf Saleem, a devoted servant of the Muslim faith and a recognized leader of the Muslim community. Imam Saleem is a graduate of Howard University, where he earned both his bachelor's of arts degree as well as his master's degree in education. He is a devoted educator who has held the rank of professor, principal, and teacher.

In the wake of the brutal terrorist attacks of September 11, 2001, Imam Saleem, along with other prominent leaders of the Muslim community, met with President George Bush to condemn the attacks and to establish a unified front against terrorism. As spokesman for this historic meeting, Imam Saleem's remarks, along with those of President Bush, helped to clarify for the American people the peaceful nature of the religion of Islam.

Imam Saleem's tireless work has not gone unnoticed. In August 2002, the District of Columbia awarded Imam Saleem the first mayoral clergy award. In 2002, he was named Muslim man of the year by members of the Muslim community.

Mr. Speaker, please join me in welcoming to the floor a true citizen-servant who is committed to his faith, his family, and the United States of America.

SCHIP

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

Mr. COURTNEY. Mr. Speaker, last week President Bush threatened to veto a bipartisan agreement that will provide health insurance to 10 million of America's children.

Before acting on this threat, the President should talk to our Nation's Governors, 43 of whom support a robust reauthorization of children's health insurance, known as SCHIP, set to expire this Sunday night. Governors such as Republican John Huntsman of Utah, Republican Tim Pawlenty of Wisconsin, Republican Arnold Schwarzenegger of California, and Republican Jodi Rell of my State of Connecticut have all endorsed protecting this program, which the bipartisan agreement will accomplish.

Make no mistake about it; the President's plan will disqualify millions of American children from SCHIP coverage in the future. We already know, in Connecticut, 5,000 children will be kicked off the existing SCHIP program if his plan goes through.

Mr. Speaker, Republican and Democratic Governors together recognize the importance of a strong SCHIP program. It is time for him to listen to these Governors and back off his veto threat.

APPRECIATION FOR TROOPS IN IRAQ AND AFGHANISTAN

(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, this last weekend I was grateful to visit our troops in Iraq and Afghanistan.

I saw firsthand the growing success in Baghdad during a visit with Major General Joseph Fil, commander of forces in Baghdad, to a neighborhood joint security site. We saw shops open, normal traffic, and civilians unafraid. This evidence of success was repeated in a visit to Ramadi, where enthusiastic American and Iraqi troops have deposed the al Qaeda terrorists.

In Kabul, I was briefed on training of Afghan police by the 218th Brigade of the South Carolina Army National Guard led by General Bob Livingston. As a 28-year veteran of the 218th, I know the competence and resolve of our troops. Additionally, in Jalalabad, American and Afghani provincial reconstruction teams are promoting security, governance, and economic development.

With eight visits to Iraq and four to Afghanistan, I am more convinced than ever that to protect the American families we must stop the terrorists overseas. Our dedicated troops deserve our support of this vital mission.

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

SCHIP

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

Mr. SESTAK. Mr. Speaker, 2 years ago, entering my 31st year in the military, my single daughter, 4-year-old Alex, was struck with a malignant brain tumor. After two brain operations and given 3 to 9 months to live, we moved into a cancer ward and began a journey that has her here today and has me in the House.

The incident that brought me here was, her roommate that day as she began her chemotherapy was a young 2½-year-old boy from Washington, DC. He was diagnosed that morning with acute leukemia, and for 6 hours we could not help but overhear as social workers came and went to see if that 2½-year-old boy could stay because his parents did not have health insurance.

I have been in combat. I have seen the worst of human nature. I have also seen the best of human nature. This SCHIP bill would cover 10 million uninsured Americans, that 2½-year-old boy, so that social worker does not determine whether some child is taken care of, is the best of our nature. I ask everyone to support the SCHIP bill.

THE BATTLE AGAINST THE BRIDGE TO NOWHERE

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

Mr. KIRK. Mr. Speaker, we have won the battle against the Bridge to Nowhere.

This $320 million federally subsidized structure would have been as long as the Golden Gate Bridge, standing 80 feet higher than the Brooklyn Bridge. It would have connected the mainland to an island, population 50, with no roads or stores.

Last year, the House adopted the Kirk amendment, blocking all funding for the Bridge to Nowhere. It was a

wise move to protect taxpayers. But the Senate said, no, and temporarily saved the bridge. House leaders of this Congress surprisingly backed the Bridge to Nowhere, but our arguments have finally won. Alaska has decided to block all funding for the Bridge to Nowhere. Following the collapse of the Minneapolis bridge, we now have additional funds to fix bridges in need of repair, and maybe return some of this money that was to be wasted to the American taxpayers that earned it.

SCHIP

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

Mr. WELCH of Vermont. Mr. Speaker, we have 47 million Americans without health insurance. Today, we are going to have an opportunity to vote on providing 10 million children with continued health care coverage that they are going to need. This is, as in the spirit of many of the good things we have done, bipartisan. The Governor of Vermont, Republican, supports it. Republican Senators HATCH and GRASSLEY support it, done a tremendous job. The response from the President, unfortunately, is to veto this legislation.

It is hard to understand how it is that, when the cost of this program is the equivalent of 2 weeks' spending on the war in Iraq, we can't find it in our capacity to spend that money to make certain that parents, when they go to bed at night, know their kids, when they need a doctor, will have access to the health care that they need. Our opportunity here in this House is to send the President a message, in the hopes that he will do the right thing and sign this bill, with an overwhelming bipartisan bill that reflects the bipartisan work and bicameral work that was done to bring it to the floor.

SCHIP

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

Mr. PRICE of Georgia. Mr. Speaker, today the new majority sadly declares politics more important than health care for our Nation's poorest children. Democrats are moving forward with a massive expansion of Washington-run health care under the auspices of helping kids. Yet, any honest discussion about this bill reveals that it is clearly less about helping children and more about Washington control. You see, they think they can make better decisions than you.

Remarkably, this expansion of bureaucratic health care offers taxpayer-funded coverage to people who are neither poor nor children. Democrats have made it clear that this bill is just the next step in their desired march toward Washington control of health care. And as a physician, I have seen how dangerous government control of health care can be.

Rather than forcing bureaucratic-controlled health care upon the American people, I urge my colleagues to reject this proposal and reauthorize SCHIP in a way that is consistent with its original bipartisan intent: helping America's poorest children.

SCHIP

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

Mr. MORAN of Virginia. Mr. Speaker, how many more thousands of lives and hundreds of billions of dollars need to be spent to enable this President to avoid accountability, to save face for the worst foreign policy fiasco in America's history?

And when all is said and done, when all the blood and the treasure has been spent and we look back at what we will have accomplished, we will have a Shia theocracy far more loyal to Iran than it is to the United States, and probably equally repressive of women's rights and human rights. How is that possibly worthy of the sacrifice of our soldiers? Mr. Speaker, it is not.

The fact is that, if the President's supplemental for Iraq that he is requesting now is granted, we will be spending almost as much in 1 week, $3.5 billion, as it would take to provide needed health insurance for 4 million poor children for an entire year. Isn't it time to put America's priorities in order?

U.S. HISTORY RESOLUTION

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

Mr. MCHENRY. Mr. Speaker, 220 years ago, 55 delegates assembled in Philadelphia, ''to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.''

The principles set forth by our Founding Fathers are still important today, and the Constitution and founding documents are essential to understand our history as a nation. They remain the bedrock of American society, and it is essential that we honor our Constitution as the embodiment of the freedoms we hold dear. That is why I introduced the U.S. History Resolution.

This resolution acknowledges the importance of promoting U.S. history in our schools and communities, with a particular focus on America's founding documents.

As the saying goes, those who forget history are doomed to repeat it. And to avoid this fate, we should repeat it often, but to repeat it in schools, to repeat it to our children so they understand where we came from so we can know where we are going. And that will promote a better America.

WAR IN IRAQ

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

Mr. YARMUTH. Mr. Speaker, the President recently boasted that we were ''kicking ass in Iraq.''

With brave Americans dying in record numbers, I have two questions for the President.

POINT OF ORDER

Mr. MCHENRY. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. MCHENRY. The gentleman's words are out of order. The gentleman is using language that is unbecoming of the debate.

The SPEAKER pro tempore. The Chair will remind all Members to refrain from vulgarity.

The gentleman will proceed.

Mr. YARMUTH. With brave American soldiers dying in record numbers, I have just two questions for the President: Just whose posteriors are we kicking? And how do you know?

With Sunnis and Shiites killing themselves and each other, plus an incompetent Maliki government, we don't know who we are fighting much less where we are kicking them. And while we are tied up in Iraq, al Qaeda thrives in Pakistan and Afghanistan.

So the President's turn of phrase will go into the Blooper Hall of Fame with other Bush golden oldies, like ''last throes,'' ''links to al Qaeda,'' and ''mission accomplished.''

There was a time when American success meant defeating Nazis, tearing down communism's iron curtain, and walking on the Moon. Supporting our troops meant honest safeguards, not trash talk. How low have our standards fallen when the President points to the debacle he created and says, ''This is what I am proud of''?

Most Americans believe in a country that is capable of much higher standards. And if America were really kicking butt, the President wouldn't need to say anything. Everyone would know it.

□ 1015

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to refrain from vulgarity.

CONDEMNING THE ATTACK ON GENERAL PETRAEUS

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

Mrs. DRAKE. Mr. Speaker, 2 weeks ago, General Petraeus presented Congress with the progress report that we requested. Rather than encountering a fair dialogue on the situation in Iraq,

he was confronted with an accusation of treason by one of the Nation's most prominent and well-funded liberal advocacy organizations.

Last week the Senate took the appropriate course of action to officially, and in a bipartisan fashion, condemn this atrocious act on a distinguished war hero. I call on the Democrat leadership to follow the Senate's lead and allow for consideration of House Resolution 644.

The men and women of our Armed Forces have committed themselves to the defense of this Nation. I ask my colleagues, who will come to their defense when their integrity and patriotism come under attack?

CHILDREN'S HEALTH CARE COVERAGE

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

Mr. CUELLAR. Mr. Speaker, 10 years ago, in a bipartisan manner, Congress enacted the Children's Health Insurance Program to provide health coverage to those who need it the most. Since that time it's been a success story providing health care coverage to 6 million children.

When I was a member of the Texas State legislature, I had an opportunity to help implement the first CHIP program in the State of Texas there in Laredo. Again, it's a story that's worked very well.

In fact, as the program grew, the number of uninsured children in our Nation has dropped dramatically, even though child poverty was on the rise and many of the families were losing their employer-based health coverage.

Unfortunately, this trend has started to reverse itself. For 2 years in a row the number of uninsured children has increased. There are now 8.7 million children in our Nation who are uninsured. Those numbers are a clear sign that Congress needs to pass a bipartisan agreement that was reached last week and will be on the floor today that will provide access to quality health insurance to 10 million low-income children.

Mr. Speaker, this is a bipartisan agreement. Again, Democrats and Republicans need to come together for the Nation's children.

BURMA PROTESTS

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

Mr. PITTS. Mr. Speaker, over the last several days, the world has witnessed an incredible display of courage in the face of tyranny in Burma. Buddhist monks have been peacefully marching throughout the streets of Rangoon, as well as 25 other cities throughout the country. These pious men, revered by their countrymen, are peacefully calling for an end to the brutal military dictatorships that have held the country hostage for over four decades.

Citizens are beginning to stand in support of the peaceful demonstration, at times protecting the monks from possible violence from riot police by linking arms, acting as a human shield. The military junta has warned that it may take action against the protestors, action that has been terribly violent in the past.

Mr. Speaker, I stand today in solidarity with the people of Burma, who wish only for freedom and an end to the military dictatorship. And I call on the military regime to respect the will of the Burmese people to live in freedom.

NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

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

Mr. ELLSWORTH. Mr. Speaker, I rise today to recognize the National Day of Remembrance for Murder Victims. This day gives each of us the opportunity to remember the victims of violent crimes and offer our support to their families.

As a career law enforcement officer, I saw firsthand the devastation violent crimes bring to victims and their families and to the communities where they occur. And I understand the need to defend victims rights in the aftermath of their unspeakable loss.

In honor of those victims, I'm proud to join my colleague from Washington (Mr. REICHERT) in introducing legislation to prohibit America's most heinous criminals and murderers from profiting from their crimes. Our bill, the Stop the Sale of Murderabilia to Protect the Dignity of Crime Victims Act, would fight the exploitation of criminal activity by preventing criminals from selling their wares in public auction. I can think of no better way to honor the victims of murder than supporting this bill.

NATIONAL DAY OF REMEMBRANCE FOR MURDER VICTIMS

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

Mr. CHABOT. Mr. Speaker, I want to thank the gentleman from Indiana (Mr. ELLSWORTH) for his resolution, and I want to join him this morning. And I'm honored to stand here this morning as part of the first National Day of Remembrance for Murder Victims to pay tribute to the memory of those whose lives have been tragically cut short through senseless acts of violence in this country. Let us and their families know that they are not alone.

Of course we must continue to devote the resources necessary to the local, State, and Federal levels to protect our communities from falling victim to future criminal acts, but we cannot forget those who have already been victims, particularly the victims of murder and the families that struggle to rebuild their lives after such heinous acts.

This day also enables us to recognize and thank those victims assistance organizations, like Parents of Murdered Children, that happen to be headquartered in my district in Cincinnati, Ohio, and the National Center for Victims of Crime, that provide ongoing support to the surviving families. The strength, comfort, and compassion that these organizations provide to families and friends of murder victims is immeasurable and should not go unrecognized.

I urge my colleagues to take a moment today to remember these victims and their families and the organizations that provide assistance.

REPUBLICAN CONGRESS LOST ITS WAY

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

Ms. WATSON. Mr. Speaker, Congress will take up a continuing resolution to fund the Federal Government after September 30. While the House has passed all 12 of its appropriation bills, Senate Republicans continue to obstruct efforts to finish the process over in the other Chamber, making the continuing resolution necessary.

In our appropriations bills, we rejected the President's most harmful cuts and made targeted investments in veterans care, education, health care, homeland security, and law enforcement. And we did this all by remaining fiscally responsible.

This is something new around here. Past Republican Congresses refused to abide by the pay-as-you-go philosophy. As a result, they turned a $5.6 trillion 10-year surplus under the Clinton administration into a $3 trillion deficit today.

Former Federal Reserve Chairman Alan Greenspan summarizes the Republican stewardship of the Federal budget best when he states in his new book: ''The Republicans in Congress lost their way.''

Mr. Speaker, House Democrats will continue to be fiscally responsible.

FUNDING FOR VETERANS HEALTH CARE

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

Mr. PEARCE. Mr. Speaker, I rise today to address the continued politics being played with this year's veterans funding by the majority party. Last week, 44 Members of Congress sent a letter to the Speaker urging her to immediately bring a conference report on veterans funding before the House. Our goal was to pass this funding and avoid the political gamesmanship of the appropriation process. Earlier this year,

the House and Senate both passed veterans funding with overwhelming support. The fiscal year ends on Saturday.

Unfortunately, it has become clear that the top Democratic aides intend to hold our veterans hostage. A spokeswoman for the House Appropriations Committee called our letter and efforts to pass veterans funding immediately just ''a cute diversion.''

Mr. Speaker, there is nothing cute about withholding funding for veterans benefits. There is nothing cute about withholding funding for veterans health care. There is nothing cute about Democrats using veterans as political pawns in their appropriations strategy.

I urge my colleagues not to let veterans funding be held hostage any longer. Our veterans are saying, don't betray us. Pass the fiscal year 2008 appropriations.

VETERANS OF FOREIGN WARS

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

Ms. SHEA-PORTER. Mr. Speaker, today we will vote for legislation supporting the goals and ideals of Veterans of Foreign Wars Day.

For nearly 100 years, the Veterans of Foreign Wars has served a straightforward and noble mission, honoring the dead by helping the living and by providing friendship.

In my home State of New Hampshire, we have nearly 10,000 VFW members, another 4,500 members of the Ladies Auxiliary. I'm honored to be their representative in this House and to work with them to ensure that all of our veterans and their families receive the full support and benefits they have earned.

The VFW has been an outspoken advocate for veterans rights. It has called for expanded health care for veterans, increased funding for research into traumatic brain injury and post-traumatic stress disorder. It has also asked for improved access to health care and for veterans support for mental illnesses and treatment.

When I met with my veterans advisory committee last fall, one prominent member of the VFW asked me to support a sufficient budget for the Department of Veterans Affairs. I am happy to report that the 110th Congress passed the largest budget in the 77-year history of the Veterans Affairs.

The House of Representatives has heard the call of the VFW and other veterans organizations and has passed bills to support and fund these critical issues.

STOP THE SALE OF MURDERABILIA TO PROTECT THE DIGNITY OF CRIME VICTIMS ACT

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

Mr. REICHERT. Mr. Speaker, later today I will introduce legislation, the Stop the Sale of Murderabilia to Protect the Dignity of Crime Victims Act. And I will introduce that legislation with my good friend and former sheriff from Indiana, Congressman ELLSWORTH.

Before coming to Congress, I served 33 years in the King County Sheriff's Office. I have seen the pain on the faces of victims and victims families, unexplainable, unimaginable pain that covers their faces and their families for the rest of their life.

And, unfortunately, criminals today who are in our State and Federal prisons are using their fame and notoriety to make a buck. The Internet has become a gateway to an industry coined as ''murderabilia,'' where tangible goods owned and/or created by convicted murderers are sold for their profit.

Today, on the National Day of Remembrance for Murder Victims, I'm privileged and honored to honor the memory of all victims. And my bill aims to shut down this business.

STRENGTHENING THE CHILDREN'S HEALTH INSURANCE PROGRAM

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

Mr. JOHNSON of Georgia. Mr. Speaker, when President Bush was running for re-election in 2004, one of the major promises he made during his acceptance speech at the Republican Convention was to strengthen the Children's Health Insurance Program.

Back then, the compassionately conservative President vowed to, and I'm quoting now, ''lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for the government's health insurance program.''

That's exactly what this Congress has done. A bipartisan agreement that comes to the floor today would enroll more than 4 million more children in the Children's Health Insurance Program who are already eligible. And based on his past statement, you would think that President Bush would be praising this agreement. He is not. In fact, he's threatening to veto the bill because he says that we are trying to expand the program beyond its original intent. That's just wrong. Our bipartisan agreement does nothing more than what he vowed to do back in 2004.

Mr. Speaker, actions speak louder than words. The President should follow through with his promise and support our efforts to ensure 10 million children have access to health care.

ALAN GREENSPAN AND FISCAL RESPONSIBILITY

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

Mrs. MALONEY of New York. Mr. Speaker, in Alan Greenspan's new memoir, ''The Age of Turbulence,'' the former Fed Chair criticizes Republicans for abandoning fiscal discipline.

It's no wonder: the current Bush administration has racked up over one-third, about $3.2 trillion, of our nearly $9 trillion total national debt. In fact, Ronald Reagan, George H.W. Bush, and George W. Bush are responsible for incurring almost three-quarters of our total national debt, according to a new analysis from the Joint Economic Committee.

Republican administrations over the last 30 years have made us a Nation of debtors, vulnerable to the economic and political decisions made half a world away. We need a new direction.

Democrats in Congress are committed to getting our fiscal house back in order.

APPOINTMENT OF MEMBERS TO MIGRATORY BIRD CONSERVATION COMMISSION

The SPEAKER pro tempore. Pursuant to section 2 of the Migratory Bird Conservation Act (16 U.S.C. 715a) and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Migratory Bird Conservation Commission:

Mr. DINGELL, Michigan
Mr. GILCHREST, Maryland

APPOINTMENT OF MEMBER TO CONGRESSIONAL AWARD BOARD

The SPEAKER pro tempore. Pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the Congressional Award Board:

Ms. SHEILA JACKSON-LEE, Texas

and, in addition,

Mr. Paxton Baker, Maryland
Mr. Vic Fazio, Virginia
Mrs. Annette Lantos, California
Ms. Mary Rodgers, Pennsylvania

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
June 28, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)) I am pleased to appoint the Honorable Gus M. Bilirakis of Florida to the Congressional Award Board.

Mr. Bilirakis has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

□ 1030

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 5, 2007.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to section 803(a) of the Congressional Recognition for Excellence in Arts Education Act (2 U.S.C. 803(a)) I am pleased to appoint Mr. Cliff Akiyama M.A. of California as a Congressional Award Board Member. As a former Gold Medalist, his work on Asian youth gang violence is to be commended.

Mr. Akiyama has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

IRAN COUNTER-PROLIFERATION ACT OF 2007

Mr. LANTOS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1400) to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1400

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 ''Iran Counter-Proliferation 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. United States policy toward Iran.

TITLE I—SUPPORT FOR DIPLOMATIC EFFORTS RELATING TO PREVENTING IRAN FROM ACQUIRING NUCLEAR WEAPONS

Sec. 101. Support for international diplomatic efforts.
Sec. 102. Peaceful efforts by the United States.

TITLE II—ADDITIONAL BILATERAL SANCTIONS AGAINST IRAN

Sec. 201. Application to subsidiaries.
Sec. 202. Additional import sanctions against Iran.
Sec. 203. Additional export sanctions against Iran.
Sec. 204. Temporary increase in fee for certain consular services.

TITLE III—AMENDMENTS TO THE IRAN SANCTIONS ACT OF 1996

Sec. 301. Multilateral regime.
Sec. 302. Mandatory sanctions.
Sec. 303. Authority to impose sanctions on principal executive officers.
Sec. 304. United States efforts to prevent investment.
Sec. 305. Clarification and expansion of definitions.
Sec. 306. Removal of waiver authority.
Sec. 307. Clarification of authority.
Sec. 308. Applicability of certain amendments.

TITLE IV—ADDITIONAL MEASURES

Sec. 401. Additions to terrorism and other lists.
Sec. 402. Increased capacity for efforts to combat unlawful or terrorist financing.
Sec. 403. Exchange programs with the people of Iran.
Sec. 404. Reducing contributions to the World Bank.
Sec. 405. Restrictions on nuclear cooperation with countries assisting the nuclear program of Iran.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Termination.

SEC. 2. UNITED STATES POLICY TOWARD IRAN.

(a) FINDINGS.—Congress finds the following:

(1) The prospect of the Islamic Republic of Iran achieving nuclear arms represents a grave threat to the United States and its allies in the Middle East, Europe, and globally.

(2) The nature of this threat is manifold, ranging from the vastly enhanced political influence extremist Iran would wield in its region, including the ability to intimidate its neighbors, to, at its most nightmarish, the prospect that Iran would attack its neighbors and others with nuclear arms. This concern is illustrated by the statement of Hashemi Rafsanjani, former president of Iran and currently a prominent member of two of Iran's most important decision-making bodies, of December 14, 2001, when he said that it ''is not irrational to contemplate'' the use of nuclear weapons.

(3) The theological nature of the Iranian regime creates a special urgency in addressing Iran's efforts to acquire nuclear weapons.

(4) Iranian regime leaders have persistently denied Israel's right to exist. Current President Mahmoud Ahmadinejad has called for Israel to be ''wiped off the map'' and the Government of Iran has displayed inflammatory symbols that express similar intent.

(5) The nature of the Iranian threat makes it critical that the United States and its allies do everything possible—diplomatically, politically, and economically—to prevent Iran from acquiring nuclear-arms capability and persuade the Iranian regime to halt its quest for nuclear arms.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Iranian President Ahmadinejad's persistent denials of the Holocaust and his repeated assertions that Israel should be ''wiped off the map'' may constitute a violation of the Convention on the Prevention and Punishment of the Crime of Genocide and should be brought before an appropriate international tribunal for the purpose of declaring Iran in breach of the Genocide Convention;

(2) the United States should increase use of its important role in the international financial sector to isolate Iran;

(3) Iran should be barred from entering the World Trade Organization (WTO) until all issues related to its nuclear program are resolved;

(4) all future free trade agreements entered into by the United States should be conditioned on the requirement that the parties to such agreements pledge not to invest and not to allow companies based in its territory or controlled by its citizens to invest in Iran's energy sector or otherwise to make significant investment in Iran;

(5) United Nations Security Council Resolutions 1737 (December 23, 2006) and 1747 (March 24, 2007), which were passed unanimously and mandate an immediate and unconditional suspension of Iran's nuclear enrichment program, represent a critical gain in the worldwide campaign to prevent Iran's acquisition of nuclear arms and should be fully respected by all nations;

(6) the United Nations Security Council should take further measures beyond Resolutions 1737 and 1747 to tighten sanctions on Iran, including preventing new investment in Iran's energy sector, as long as Iran fails to comply with the international community's demand to halt its nuclear enrichment campaign;

(7) the United States should encourage foreign governments to direct state-owned entities to cease all investment in Iran's energy sector and all exports of refined petroleum products to Iran and to persuade, and, where possible, require private entities based in their territories to cease all investment in Iran's energy sector and all exports of refined petroleum products to Iran;

(8) moderate Arab states have a vital and perhaps existential interest in preventing Iran from acquiring nuclear arms, and therefore such states, particularly those with large oil deposits, should use their economic leverage to dissuade other nations, including the Russian Federation and the People's Republic of China, from assisting Iran's nuclear program directly or indirectly and to persuade other nations, including Russia and China, to be more forthcoming in supporting United Nations Security Council efforts to halt Iran's nuclear program;

(9) the United States should take all possible measures to discourage and, if possible, prevent foreign banks from providing export credits to foreign entities seeking to invest in the Iranian energy sector;

(10) the United States should oppose any further activity by the International Bank for Reconstruction and Development with respect to Iran, or the adoption of a new Country Assistance Strategy for Iran, including by seeking the cooperation of other countries;

(11) the United States should extend its program of discouraging foreign banks from accepting Iranian state banks as clients;

(12) the United States should prohibit all Iranian state banks from using the United States banking system;

(13) State and local government pension plans should divest themselves of all non-United States companies investing more than $20,000,000 in Iran's energy sector;

(14) the United States should designate the Iranian Islamic Revolutionary Guards Corps, which purveys terrorism throughout the Middle East and plays an important role in the Iranian economy, as a foreign terrorist organization under section 219 of the Immigration and Nationality Act, place the Iranian Islamic Revolutionary Guards Corps on the list of specially designated global terrorists, and place the Iranian Islamic Revolutionary Guards Corps on the list of weapons of mass destruction proliferators and their supporters;

(15) United States concerns regarding Iran are strictly the result of actions of the Government of Iran; and

(16) the American people have feelings of friendship for the Iranian people, regret that developments of recent decades have created impediments to that friendship, and hold the Iranian people, their culture, and their ancient and rich history in the highest esteem.

TITLE I—SUPPORT FOR DIPLOMATIC EFFORTS RELATING TO PREVENTING IRAN FROM ACQUIRING NUCLEAR WEAPONS

SEC. 101. SUPPORT FOR INTERNATIONAL DIPLOMATIC EFFORTS.

It is the sense of the Congress that—

(1) the United States should use diplomatic and economic means to resolve the Iranian nuclear problem;

(2) the United States should continue to support efforts in the International Atomic Energy Agency and the United Nations Security Council to bring about an end to Iran's uranium enrichment program and its nuclear weapons program; and

(3)(A) United Nations Security Council Resolution 1737 was a useful first step toward pressing Iran to end its nuclear weapons program; and

(B) in light of Iran's continued defiance of the international community, the United Nations Security Council should adopt additional measures against Iran, including measures to prohibit investments in Iran's energy sector.

SEC. 102. PEACEFUL EFFORTS BY THE UNITED STATES.

Nothing in this Act shall be construed as authorizing the use of force or the use of the United States Armed Forces against Iran.

TITLE II—ADDITIONAL BILATERAL SANCTIONS AGAINST IRAN

SEC. 201. APPLICATION TO SUBSIDIARIES.

(a) IN GENERAL.—Except as provided in subsection (b), in any case in which an entity engages in an act outside the United States which, if committed in the United States or by a United States person, would violate Executive Order No. 12959 of May 6, 1995, Executive Order No. 13059 of August 19, 1997, or any other prohibition on transactions with respect to Iran that is imposed under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and if that entity was created or availed of for the purpose of engaging in such an act, the parent company of that entity shall be subject to the penalties for such violation to the same extent as if the parent company had engaged in that act.

(b) EXCEPTION.—Subsection (a) shall not apply to any act carried out under a contract or other obligation of any entity if—

(1) the contract or obligation existed on May 22, 2007, unless such contract or obligation is extended in time in any manner or expanded to cover additional activities beyond the terms of the contract or other obligation as it existed on May 22, 2007; or

(2) the parent company acquired that entity not knowing, and not having reason to know, that such contract or other obligation existed, unless such contract or other obligation is extended in time in any manner or expanded to cover additional activities beyond the terms of such contract or other obligation as it existed at the time of such acquisition.

(c) CONSTRUCTION.—Nothing in this section shall be construed as prohibiting the issuance of regulations, orders, directives, or licenses under the Executive orders described in subsection (a) or as being inconsistent with the authorities under the International Emergency Economic Powers Act.

(d) DEFINITIONS.—In this section—

(1) the term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization;

(2) an entity is a ''parent company'' of another entity if it controls, directly or indirectly, that other entity and is a United States person; and

(3) the term ''United States person'' means any United States citizen, any alien lawfully admitted for permanent residence to the United States, any entity organized under the laws of the United States, or any person in the United States.

SEC. 202. ADDITIONAL IMPORT SANCTIONS AGAINST IRAN.

Effective 120 days after the date of the enactment of this Act—

(1) goods of Iranian origin that are otherwise authorized to be imported under section 560.534 of title 31, Code of Federal Regulations, as in effect on March 5, 2007, may not be imported into the United States under such section; and

(2) activities otherwise authorized by section 560.535 of title 31, Code of Federal Regulations, as in effect on March 5, 2007, are no longer authorized under such section.

SEC. 203. ADDITIONAL EXPORT SANCTIONS AGAINST IRAN.

Effective on the date of the enactment of this Act—

(1) licenses to export or reexport goods, services, or technology relating to civil aviation that are otherwise authorized by section 560.528 of title 31, Code of Federal Regulations, as in effect on March 5, 2007, may not be issued, and any such license issued before such date of enactment is no longer valid; and

(2) goods, services, or technology described in paragraph (1) may not be exported or reexported.

SEC. 204. TEMPORARY INCREASE IN FEE FOR CERTAIN CONSULAR SERVICES.

(a) INCREASE IN FEE.—Notwithstanding any other provision of law, not later than 120 days after the date of the enactment of this Act, the Secretary of State shall increase by $1.00 the fee or surcharge assessed under section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 8 U.S.C. 1351 note) for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas.

(b) DEPOSIT OF AMOUNTS.—Fees collected under the authority of subsection (a) shall be deposited in the Treasury.

(c) DURATION OF INCREASE.—The fee increase authorized under subsection (a) shall terminate on the date that is one year after the date on which such fee is first collected.

TITLE III—AMENDMENTS TO THE IRAN SANCTIONS ACT OF 1996

SEC. 301. MULTILATERAL REGIME.

Section 4(b) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

''(b) REPORTS TO CONGRESS.—Not later than 6 months after the date of the enactment of the Iran Counter-Proliferation Act of 2007 and every six months thereafter, the President shall transmit to the appropriate congressional committees a report regarding specific diplomatic efforts undertaken pursuant to subsection (a), the results of those efforts, and a description of proposed diplomatic efforts pursuant to such subsection. Each report shall include—

''(1) a list of the countries that have agreed to undertake measures to further the objectives of section 3 with respect to Iran;

''(2) a description of those measures, including—

''(A) government actions with respect to public or private entities (or their subsidiaries) located in their territories, that are engaged in Iran;

''(B) any decisions by the governments of these countries to rescind or continue the provision of credits, guarantees, or other governmental assistance to these entities; and

''(C) actions taken in international fora to further the objectives of section 3;

''(3) a list of the countries that have not agreed to undertake measures to further the objectives of section 3 with respect to Iran, and the reasons therefor; and

''(4) a description of any memorandums of understanding, political understandings, or international agreements to which the United States has acceded which affect implementation of this section or section 5(a).''.

SEC. 302. MANDATORY SANCTIONS.

Section 5(a) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking ''2 or more of the sanctions described in paragraphs (1) through (6) of section 6'' and inserting ''the sanction described in paragraph (5) of section 6 and, in addition, one or more of the sanctions described in paragraphs (1), (2), (3), (4), and (6) of such section''.

SEC. 303. AUTHORITY TO IMPOSE SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.

Section 5 of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by adding at the end the following:

''(g) AUTHORITY TO IMPOSE SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—

''(1) SANCTIONS UNDER SECTION 6.—In addition to the sanctions imposed under subsection (a), the President may impose any of the sanctions under section 6 on the principal executive officer or officers of any sanctioned person, or on persons performing similar functions as such officer or officers. The President shall include on the list published under subsection (d) the name of any person on whom sanctions are imposed under this paragraph.

''(2) ADDITIONAL SANCTIONS.—In addition to the sanctions imposed under paragraph (1), the President may block the property of any person described in paragraph (1), and prohibit transactions in such property, to the same extent as the property of a foreign person determined to have committed acts of terrorism for purposes of Executive Order 13224 of September 23, 2001 (50 U.S.C. 1701 note).''.

SEC. 304. UNITED STATES EFFORTS TO PREVENT INVESTMENT.

Section 5 of the Iran Sanctions Act of 1996 is amended by adding the following new subsection at the end:

''(h) UNITED STATES EFFORTS TO ADDRESS PLANNED INVESTMENT.—

''(1) REPORTS ON INVESTMENT ACTIVITY.—Not later than January 30, 2008, and every 6 months thereafter, the President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on investment and pre-investment activity, by any person or entity, that could contribute to the enhancement of Iran's ability to develop petroleum resources in Iran. For each such activity, the President shall provide a description of the activity, any information regarding when actual investment may commence, and what steps the United States has taken to respond to such activity.

''(2) DEFINITION.—In this subsection—

''(A) the term 'investment' includes the extension by a financial institution of credit or other financing to a person for that person's investment; and

''(B) the term 'pre-investment activity' means any activity indicating an intent to make an investment, including a memorandum of understanding among parties indicating such an intent.''

SEC. 305. CLARIFICATION AND EXPANSION OF DEFINITIONS.

(a) PERSON.—Section 14(13)(B) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended to read as follows:

''(B)(i) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization;

''(ii) any foreign subsidiary of any entity described in clause (i); and

''(iii) any government entity operating as a business enterprise, such as an export credit agency; and''.

(b) DEVELOPMENT AND INVESTMENT.—Section 14 of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in paragraph (4), by inserting ''tanker or'' after ''transportation by''; and

(2) in paragraph (9)—

(A) by inserting after subparagraph (C) the following:

''(D) The sale of an oil tanker or liquefied natural gas tanker.''; and

(B) in the second sentence, by inserting '', other than a sale described in subparagraph (D)'' after ''goods, service, or technology''.

SEC. 306. REMOVAL OF WAIVER AUTHORITY.

(a) SIX-MONTH WAIVER AUTHORITY.—Section 4 of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended—

(1) in subsection (d)(1), by striking ''except those with respect to which the President has exercised the waiver authority of subsection (c)'';

(2) by striking subsection (c); and

(3) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(b) GENERAL WAIVER AUTHORITY.—Section 9 of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by striking subsection (c).

SEC. 307. CLARIFICATION OF AUTHORITY.

Section 6(6) of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) is amended by inserting ''the authorities under'' after ''in accordance with''.

SEC. 308. APPLICABILITY OF CERTAIN AMENDMENTS.

The amendments made by sections 302, 305, and 306 shall apply with respect to acts done on or after August 3, 2007.

TITLE IV—ADDITIONAL MEASURES

SEC. 401. ADDITIONS TO TERRORISM AND OTHER LISTS.

(a) DETERMINATIONS AND REPORT.—Not later than 120 days after the date of the enactment of this Act, the President shall—

(1) determine whether the Iranian Islamic Revolutionary Guards Corps (in this section referred to as ''IRGC'') should be—

(A) designated as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189);

(B) placed on the list of specially designated global terrorists; and

(C) placed on the list of weapons of mass destruction proliferators and their supporters; and

(2) report the determinations under paragraph (1) to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, including, if the President determines that such Corps should not be so designated or placed on either such list, the justification for the President's determination.

(b) EXTENSION OF AUTHORITY.—The President may block all property and interests in property of the following persons, to the same extent as property and interests in property of a foreign person determined to have committed acts of terrorism for purposes of Executive Order 13224 of September 21, 2001 (50 U.S.C. 1701 note) may be blocked:

(1) Persons who assist or provide financial, material, or technological support for, or financial or other services to or in support of, the IRGC or entities owned or effectively controlled by the IRGC.

(2) Persons otherwise associated with the IRGC or entities referred to in paragraph (1).

(c) DEFINITIONS.—In this section—

(1) the term ''specially designated global terrorist'' means any person included on the Annex to Executive Order 13224, of September 23, 2001, and any other person identified under section 1 of that Executive order whose property and interests in property are blocked by that section; and

(2) the term ''weapons of mass destruction proliferators and their supporters'' means any person included on the Annex to Executive Order 13382, of June 28, 2005, and any other person identified under section 1 of that Executive order whose property and interests in property are blocked by that section.

SEC. 402. INCREASED CAPACITY FOR EFFORTS TO COMBAT UNLAWFUL OR TERRORIST FINANCING.

(a) FINDINGS.—The work of the Office of Terrorism and Financial Intelligence of the Department of Treasury, which includes the Office of Foreign Assets Control and the Financial Crimes Enforcement Center, is critical to ensuring that the international financial system is not used for purposes of supporting terrorism and developing weapons of mass destruction.

(b) AUTHORIZATION.—There is authorized for the Secretary of the Treasury $59,466,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 and 2010 for the Office of Terrorism and Financial Intelligence.

(c) AUTHORIZATION AMENDMENT.—Section 310(d)(1) of title 31, United States Code, is amended by striking ''such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005'' and inserting ''$85,844,000 for fiscal year 2008 and such sums as may be necessary for each of the fiscal years 2009 and 2010''.

SEC. 403. EXCHANGE PROGRAMS WITH THE PEOPLE OF IRAN.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should seek to enhance its friendship with the people of Iran, particularly by identifying young people of Iran to come to the United States under United States exchange programs.

(b) EXCHANGE PROGRAMS AUTHORIZED.—The President is authorized to carry out exchange programs with the people of Iran, particularly the young people of Iran. Such programs shall be carried out to the extent practicable in a manner consistent with the eligibility for assistance requirements specified in section 302(b) of the Iran Freedom Support Act (Public Law 109–293).

(c) AUTHORIZATION.—Of the amounts available to the Department of State for ''Educational and Cultural Exchanges'' to carry out the Mutual Educational and Cultural Exchange Act of 1961, there is authorized to be appropriated to the President to carry out this section the sum of $10,000,000 for fiscal year 2008.

SEC. 404. REDUCING CONTRIBUTIONS TO THE WORLD BANK.

The President of the United States shall reduce the total amount otherwise payable on behalf of the United States to the International Bank for Reconstruction and Development for each fiscal year by the percentage represented by—

(1) the total of the amounts provided by the Bank to entities in Iran, or for projects and activities in Iran, in the then-preceding fiscal year; divided by

(2) the total of the amounts provided by the Bank to all entities, or for all projects and activities, in the then-preceding fiscal year.

SEC. 405. RESTRICTIONS ON NUCLEAR COOPERATION WITH COUNTRIES ASSISTING THE NUCLEAR PROGRAM OF IRAN.

(a) IN GENERAL.—

(1) RESTRICTION.—Notwithstanding any other provision of law or any international agreement—

(A) no agreement for cooperation between the United States and the government of any country that is assisting the nuclear program of Iran or transferring advanced conventional weapons or missiles to Iran may be submitted to the President or to Congress pursuant to section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153),

(B) no such agreement may enter into force with such country,

(C) no license may be issued for export directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement, and

(D) no approval may be given for the transfer or retransfer directly or indirectly to such country of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement,

until the President makes the determination and report under paragraph (2).

(2) DETERMINATION AND REPORT.—The determination and report referred to in paragraph (1) are a determination and report by the President, submitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, that—

(A) Iran has ceased its efforts to design, develop, or acquire a nuclear explosive device or related materials or technology; or

(B) the government of the country that is assisting the nuclear program of Iran or transferring advanced conventional weapons or missiles to Iran—

(i) has suspended all nuclear assistance to Iran and all transfers of advanced conventional weapons and missiles to Iran; and

(ii) is committed to maintaining that suspension until Iran has implemented measures that would permit the President to make the determination described in subparagraph (A).

(b) CONSTRUCTION.—The restrictions in subsection (a)—

(1) shall apply in addition to all other applicable procedures, requirements, and restrictions contained in the Atomic Energy Act of 1954 and other laws; and

(2) shall not be construed as affecting the validity of agreements for cooperation that are in effect on the date of the enactment of this Act.

(c) DEFINITIONS.—In this section:

(1) AGREEMENT FOR COOPERATION.—The term ''agreement for cooperation'' has the meaning given that term in section 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(b)).

(2) ASSISTING THE NUCLEAR PROGRAM OF IRAN.—The term ''assisting the nuclear program of Iran'' means the intentional transfer to Iran by a government, or by a person subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 3/Part 1, and subsequent revisions), or the Nuclear Suppliers Group Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published by the International Atomic Energy Agency as Information Circular INFCIR/254/Rev. 3/Part 2, and subsequent revisions).

(3) COUNTRY THAT IS ASSISTING THE NUCLEAR PROGRAM OF IRAN OR TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN.—The term ''country that is assisting the nuclear program of Iran or transferring advanced conventional weapons or missiles to Iran'' means—

(A) the Russian Federation; and

(B) any other country determined by the President to be assisting the nuclear program of Iran or transferring advanced conventional weapons or missiles to Iran.

(4) TRANSFERRING ADVANCED CONVENTIONAL WEAPONS OR MISSILES TO IRAN.—The term ''transferring advanced conventional weapons or missiles to Iran'' means the intentional transfer to Iran by a government, or

by a person subject to the jurisdiction of a government with the knowledge and acquiescence of that government, of goods, services, or technology listed on—

(A) the Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions; or

(B) the Missile Technology Control Regime Equipment and Technology Annex of June 11, 1996, and subsequent revisions.

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to expense paid or incurred on or after January 1, 2007.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. TERMINATION.

(a) TERMINATION.—The restrictions provided in sections 203, 404, and 405 shall cease to be effective with respect to Iran on the date on which the President determines and certifies to the appropriate congressional committees that Iran—

(1) has ceased its efforts to design, develop, manufacture, or acquire—

(A) a nuclear explosive device or related materials and technology;

(B) chemical and biological weapons; and

(C) ballistic missiles and ballistic missile launch technology;

(2) has been removed from the list of countries the governments of which have been determined, for purposes of section 6(j) of the Export Administration Act of 1979 (50 U.S.C. 2405(j)), section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law, to have repeatedly provided support for acts of international terrorism; and

(3) poses no significant threat to United States national security, interests, or allies.

(b) DEFINITION.—In subsection (a), the term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

The SPEAKER pro tempore (Mr. ISRAEL). Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution. Mr. Speaker, Iranian President Mahmoud Ahmadinejad will address the United Nations General Assembly in just a couple of hours, the latest step in his campaign to remove all obstacles to Tehran's headlong pursuit of nuclear weapons. We, in turn, must resolve to use every available peaceful means, economic, political, and diplomatic, to put a stop to that deadly, dangerous pursuit.

Peaceful persuasion in this instance will require a lot of leverage. Strong international sanctions must be imposed against the regime in Tehran, biting sanctions that will bring about a change in policy.

Ideally, Mr. Speaker, such measures would be undertaken through the United Nations. But if China and Russia continue to block effective U.N. sanctions against Iran, the United States must move ahead in the company of as many other like-minded nations as possible. And if multilateral sanctions are not in the offing, the United States needs to be prepared to tighten and to fully enforce our own sanctions without any exceptions.

Current law imposes sanctions in the U.S. market on any foreign company that invests $20 million or more in the Iranian energy sector. But the law lets the executive branch, at its sole discretion, waive those sanctions. And for years, Mr. Speaker, administrations of both parties have done so without fail.

Since 1999, giant companies such as Royal Dutch Shell, France's Total, Italy's ENI, and Inpex of Japan have invested over $100 billion, over $100 billion, in the Iranian energy industry, and the United States has done nothing to stop them.

If we wish to impose serious and biting sanctions on Iran, effective measures that will change the behavior of the regime in Tehran, it is clear what we must do. We must take away the power from the administration to waive sanctions we pass.

Two days ago on 60 Minutes, the President of Iran had this to say about the issue of nuclear weapons: ''We don't need a nuclear bomb . . . In political relations right now, the nuclear bomb is of no use. If it was useful, it would have prevented the downfall of the Soviet Union.''

I wish that we could take Ahmadinejad at his word, but we obviously cannot. This is the same man who yesterday said, ''Our people are the freest in the world'' and ''there are no homosexuals in Iran.'' We are all aware of the many other absurd and irrational statements that have emanated from Tehran since this man took power.

But there is one arena in which I agree with Ahmadinejad: when he says his country has the same right as every other country to use civilian nuclear power. Every country has that right. But if they all decide to get there by mastering the full nuclear fuel cycle, then the door will be wide open to an unprecedented global proliferation of nuclear weapons.

That is why earlier the House passed my legislation to authorize the creation of an International Nuclear Fuel Bank under the auspices of the International Atomic Energy Agency. Every country, including Iran, can draw from that bank the nuclear fuel necessary for the production of civilian nuclear energy under strict IAEA safeguards, but no nation will be able to divert nuclear materials for military purposes. The International Atomic Energy Agency supports my approach, as do all five permanent members of the U.N. Security Council, including our own administration.

One would think that the decision makers in Tehran would look upon this idea of an International Nuclear Fuel Bank as an elegant way to get Iran out of a difficult, unproductive, and singularly isolated situation. I hope that they will take this road and they will use this opportunity to move away from their current isolation in the international community.

And I hope as well that the administration will see its way clear to opening up serious and continuing dialogue with Iran. When I hear it said that it is somehow wrong to talk with Iran, I think back to the days when the Soviet Union had thousands of nuclear-tipped missiles aimed at the United States. Surely, the Soviets then were a great deal more dangerous to us than the Iranian leadership is today, and yet we talked with them daily. We maintained a very active diplomacy vis-a-vis the Soviet Union. We were engaged in trade, travel, and cultural exchanges of many types.

Mr. Speaker, I am not alone in hoping that relations with Iran can and will be improved. But as long as irrationality prevails in Tehran, we must be prepared to employ all peaceful means at our disposal to ensure that the regime renounces its pursuit of nuclear weapons.

Iran today faces a choice between a very big carrot and a very sharp stick. It is my hope that they will take the carrot, but today we are putting the stick in place.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today is a day of contrast. Today as we stand here in this hallowed Chamber of democracy discussing the threat that Iran poses to the United States and, indeed, to global security, to its own people as well, Iran's leader will later be spewing his venomous rhetoric before the United Nations General Assembly.

Last year, the leader of the Iranian regime called for Israel to be wiped off the map and for a new wave of Palestinian attacks to destroy the Jewish state. He further stated that anyone who recognizes Israel will burn in the fire of the fury of Islamic nations.

This is not the first time that the Iranian leadership has called for the destruction of Israel. On December 14, 2001, former Iranian leader Rafsanjani threatened Israel with nuclear attack, saying that the use of even one nuclear bomb inside Israel would destroy that country while it would do little harm to the Islamic world.

Given the Iranian regime's history of acting on its declarations, we should be under no illusions regarding its intentions. And its intentions are to get a nuclear weapon. In fact, they are even taking out advertisements about it.

Let me show you this very revealing ad that appeared in the May issue of the Economist. As they say, ''a picture is worth a thousand words.'' Even as the International Atomic Energy Agency reported that ''gaps remain in the agency's knowledge with respect to the scope and content of Iran's centrifuge program . . . including the role of the military in Iran's nuclear program . . .'' and voiced concern regarding ''undeclared nuclear material and activities in Iran,'' and even as additional sanctions were being considered against Iran by the United Nations Security Council, this request for proposals for two new large nuclear plants appeared in a major western magazine. And let me point out that the ad clearly identifies the name of the bank, a European bank. For the record, it is Austria Bank Creditansalt, with the account number clearly evident in the advertisement.

Mr. Speaker, for over 5 years, Iran has been manipulating the international community, buying time to expand and to hide its nuclear program, and it is making rapid progress. The International Atomic Energy Agency report of August 30 of this year stated that Iran is running almost 2,000 centrifuges with as many more being tested or under construction, indicating that it has already overcome many of the roadblocks to manufacturing nuclear fuel, including weapons-grade material.

The estimate of the International Atomic Energy Agency, however, may be too conservative. Iranian leader Ahmadinejad put the number of centrifuges at 3,000 and said that the program was making great strides. His comments underscored his regime's intense focus on its nuclear weapons program and should increase our focus and our sense of urgency.

□ 1045

When thinking of the consequences of an Iranian nuclear bomb, we must always remember that Iran is the number one state sponsor of terrorism, supplying weapons, funding, training and sanctuary to terrorist groups such as Hezbollah and Hamas that have murdered countless civilians and threatens our allies in the region and elsewhere; that Iran continues to supply Shiite Islamic groups in Iraq with money, training and weapons that fuel sectarian violence; that Iran is responsible for the deaths of U.S. troops by providing the resources and the materials used for improvised explosive devices, or IEDs, and other much more powerful weapons; that Iran is also supplying the Taliban with weapons to use against our troops serving in Afghanistan.

My daughter-in-law is proudly wearing our Nation's uniform right now in Afghanistan, and Iran's work is a danger to her and all of our sons and daughters serving overseas.

However, Tehran's pursuit of these destructive policies has one weakness, namely, its dependence on the revenue derived from energy exports. For that reason, the U.S. has targeted Iran's energy sector, attempting to starve it of its foreign investment. U.S. law prohibits American firms from investing in Iran, but foreign entities continue to do so. To address that problem, my distinguished colleague, my good friend from California, the chairman of our committee, Mr. LANTOS, and I introduced the Iran Freedom Support Act, which was enacted into law in September of last year.

This legislation under consideration today, however, H.R. 1400, builds upon that foundation, reiterates the application of the Iran Sanctions Act, ISA, to parent companies of foreign subsidiaries that engage in activities that ISA would prohibit for U.S. entities. Like its predecessors, the Iraq Freedom Support Act and H.R. 957, this bill before us, H.R. 1400, expands the application of the Iran Sanctions Act to any financial institution, insurer, underwriter, guarantor, or other business organization including any foreign subsidiary of the foregoing. Mr. Speaker, this bill enlarges the scope of the ISA sanctions to include the sale of oil or liquefied natural gas tankers.

In addition, the bill before us states the sense of Congress that the United States should prevent foreign banks from providing export credits to foreign entities seeking to invest in Iran's energy sector. And in line with the Iran Freedom Support Act, which urged the President to instruct the U.S. ambassador to the U.N. to push for United Nations Security Council sanctions against Iran, this bill before us commends the U.N. Security Council for its previous action and urges additional action.

H.R. 1400 also restricts U.S. nuclear cooperation with any country that helps Iran's nuclear program or transfers advanced conventional weapons or missiles to Iran. This puts countries seeking to maintain good relations with the U.S. on notice that we will not allow ourselves to be used as indirect purveyors of nuclear assistance to Iran.

Finally, let me emphasize, Mr. Speaker, that this bill speaks directly to the people of Iran. The regime in Tehran continues its brutal crackdown on human rights advocates, on religious and ethnic minorities, on opponents in the universities and the press, and on dissidents in general. And to address their plight, the bill before us expresses the unwavering support of the American people for the tens of millions of Iranians suffering under a brutal medieval regime.

We must always remember that we share a common enemy, the regime in Tehran, and a common goal, which is freedom.

Mr. Speaker, thank you for this time. But I mostly want to thank the chairman of our committee, Mr. LANTOS, for his leadership on this issue, and I strongly urge my colleagues to support its adoption.

And with that, Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished chairman of the Middle East Subcommittee of the Foreign Affairs Committee, Mr. ACKERMAN of New York.

Mr. ACKERMAN. Thank you, Mr. Chairman, for yielding me the time, as well as for your tireless efforts in support of the legislation that we are considering today.

There is no more imperative threat facing the world today than checking Iran's nuclear aspirations. Sometimes, in the midst of urgent debate over the right tactics to use to stop the mullahs' mad march towards the bomb, we lose sight of the big strategic picture. By focusing on the particular costs of each sanction, the monstrous reality of a world in which Iran possesses nuclear weapons can slip into the background. This loss of perspective is a terrible mistake.

Critics of H.R. 1400, both here and abroad, see only the cost and the irritants of American sanctions. Their concerns focus on economic liberty and their own bottom line, on their national sovereignty, but not their national security.

Protests are heard regarding our insensitivity to the Iranian regime and the likelihood of sanctions hurting the Iranian people. The critics are, unfortunately, missing the point. In a vacuum, sanctions always seem harsh unless you consider the nonpeaceful alternative.

To fully and fairly judge the proposals in a sanctions measure such as H.R. 1400, we have to consider what a future without it might look like. If you don't want to see the complete collapse of the nuclear nonproliferation regime and the rapid nuclearization of the entire Middle East, then you're for the bill. If you don't want to see Iranian proxies, such as Hamas and Hezbollah, taking over the Palestinian Authority and the Government of Lebanon, then you're for the bill. If you don't want to see Iran accelerating its supply of arms and training to terrorists around the world, then you're for the bill. If you don't want the supply and the price of oil to be set in Tehran, then you're for the bill. If you don't want to even imagine a nuclear device exploding somewhere, anywhere in the Middle East, then you're for the bill. And, finally, if you do abhor war, if you really don't want to see military force used to stop Iran's nuclear program, if you hate the very idea of America attacking Iran's nuclear program, then you're for this bill.

The official title is the Iran Counter-Proliferation Act. The proper title should be the Stop the Iranian Bomb by Every Peaceful Means Possible Act. This is the alternative.

We are running out of time. Nuclear weapons in the hands of Iran's mullahs are not inevitable; but to prevent such an international security catastrophe,

we need every tool at our disposal now while there is still time. The longer we wait, the greater the danger and difficulty of the challenge we face. Now is the time to apply the absolute maximum diplomatic, political and economic pressure that we can muster.

H.R. 1400 will crank up the pressure and help us avoid having to choose between military action and an Iranian atomic bomb. I urge all Members to support this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time, I would like to yield 6 minutes to Mr. PENCE, the ranking member on the Subcommittee on the Middle East and South Asia of our Committee on Foreign Affairs.

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

Mr. PENCE. I thank the gentlelady for yielding. I also thank the ranking member and the distinguished chairman of this committee for their extraordinary and visionary work in bringing H.R. 1400 to the floor of this Congress to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran.

As the ranking member and my other senior colleagues have described, this legislation would continue an expanding effort to confront Iran's rhetoric and reality in a manner both diplomatic and economic. And the reasons to do so are legion. Iran, for instance, denies the Holocaust and hosted a Holocaust-denying conference which aired on Arab television across the region.

President Ahmadinejad, as I will describe in a moment, has repeatedly advocated ''wiping Israel off the map.'' Their headlong and reckless pursuit of a nuclear weapons program ominously would enable them to do that in a matter of minutes when combined with their missile technology.

Iran supplies and trains insurgents fighting U.S. forces and Iraqi forces in Iraq, as General Petraeus and Ambassador Crocker and the physical evidence and the incarceration of Iranian intelligence personnel now in Baghdad attest. Iran supports Hezbollah, Hamas, and other terrorist organizations.

But I want to speak specifically, Mr. Speaker, to yesterday and today's events involving the Iranian President, Mahmoud Ahmadinejad, who arrived yesterday for a forum in Columbia University and an address at the United Nations today. Let me be clear: If my colleagues have no other reason to support H.R. 1400, we can look to the rhetoric and the statements in the past 48 hours of President Ahmadinejad. He is a destabilizing force leading a threatening country and gave evidence of that repeatedly in statements on American television, Columbia University, and I expect at the U.N. today.

Ahmadinejad veers regularly between the deadly and the bizarre. He is perhaps best known for the menacing statements about advocating the elimination of the State of Israel. But at last year's address to the U.N. General Assembly, President Ahmadinejad told an Iranian cleric that he had felt the hand of God entrancing world leaders as he addressed that body. All of these various threats and outrages are delivered with a trademark eery grin, which would be easy to dismiss as the rantings of a madman were he not vested with the power of a head of state. Yet his musings are as clear and as threatening as those musings written in a prison cell in the 1930s entitled ''Mein Kampf.''

This is a man who is on a misguided mission; he is a dangerous and deluded leader. We ignore his intents at our peril. While his speech at Columbia University yesterday was described as a rambling speech by the New York Times that meandered from science to religion to the creation of human beings, it was his claim that he was a ''peaceful'' man, that Iran possessed, as he made some reference to, a thriving Jewish community, and his claim that Iran was a country where no homosexuals lived. For me, I cannot decide which of those statements was more Orwellian or more offensive to reality or to western respect for individual liberty. But they do give us a window into the mindset of a leader.

And, Mr. Speaker, I believe no terrorist despot deserves an Ivy League forum, and have said so. On ''60 Minutes'' Sunday night, Ahmadinejad refused to address what we all know to be true: his forces and weaponry, as I said before, are directly implicated in the deaths of American forces in Iraq, and that would have been reason enough to deny him a podium.

Now, we are occasionally told, and maybe some will hesitate to support this legislation today because Ahmadinejad is not in charge, that some believe a relatively moderate group of clerics are the real power in Iran. But in a military parade just Saturday, the Supreme Leader Ayatollah Khamenei, allegedly a moderate in some versions, had a banner displayed alongside him that read: ''The Iranian Nation is ready to bring any oppressive power to its knees.'' Clearly, this threatening posture is deep-seated; it is not focused on one man.

But I think as we argue today for H.R. 1400 to bring additional economic sanctions against Iran, we should look at the man who is the leader of the country. H.R. 1400, sponsored by our distinguished chairman and ranking minority member, does the reasonable step of imposing additional economic sanctions against Iran.

But let me say I believe it is imperative that we must continue to use every tool in our power to pressure and isolate this dangerous and threatening regime. And the people of the United States of America, the U.N. Security Council, our neighbors and allies in the region also need to be prepared to keep all options on the table as we confront this regime. It is my hope H.R. 1400, with its diplomatic and economic initiative, will prevail and bring Iran back from the nuclear brink, and that would be my prayer. But we must remain committed to the notion that this nation and this leader in Iran must not be permitted to come into possession of a usable nuclear weapon.

□ 1100

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished chairman of the Subcommittee on Terrorism, Nonproliferation and Trade of the Foreign Affairs Committee, Mr. SHERMAN of California.

Mr. SHERMAN. Mr. Speaker, I thank the chairman for yielding, and I thank him for this outstanding piece of legislation.

Yesterday, at Columbia University, Mahmoud Ahmadinejad made two points that were newsworthy. First, there are no gay people in Iran. Second, there is no nuclear weapons program in Iran. These two points are equally true.

To focus on Iran's nuclear program, we do not need military action. I want to emphasize that this bill does not authorize, it does not justify, it does not urge military action in any way. In fact, it gives us an alternative, and that is economic and diplomatic pressure.

Now, we owe a special debt of gratitude to the mullahs who are running Iran, because their mismanagement, corruption and oppression has made their government vulnerable, vulnerable even in an $80-a-barrel world. Today, Iran faces a slow decline in its oil fields. Without further investment, they won't be exporting oil in 10 years. Today, as I speak, they are rationing gasoline in Tehran.

We need to be able to use our considerable broadcasting resources to send a message into Iran for the people and elites of that country: that you face diplomatic and economic isolation if you don't abandon your nuclear program. The problem is that none of us can lie that well in Farsi. We have not imposed economic isolation on Iran. But with this bill, we can begin.

We have acquiesced in World Bank loans to the Government of Iran. With this bill, we stop putting money into the unit of the World Bank that is making loans to Iran. We ought to look at other things we can do to make sure that there are no further World Bank loans to Iran.

Currently, we import from Iran—not oil, but only the stuff we don't need, and they can't sell anywhere else. This bill ends imports from Iran.

With regard to oil companies, again, we owe a special debt of gratitude to those mullahs whose outrageous business practices and threats of expropriation have made oil companies reluctant to invest in Iran. But now we have got to make them more reluctant to invest in Iran. This bill turns to foreign subsidiaries of U.S. oil companies and bans their investment in Iran.

With regard to foreign-based oil companies, it sends a clear message: Don't do business with Iran if you expect to do business-as-usual in the United States. We have had that kind of sanction against foreign-based oil companies for quite some time under what was then called the Iran-Libya Sanctions Act (ILSA). We applied that act against Libya, and it worked. It is now time to apply that act with regard to oil companies investing in Iran. This bill moves us a long way in that direction.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield 3 minutes to Mr. SHAYS of the National Security and Foreign Affairs Subcommittee of the Committee on Oversight and Government Reform.

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise in support of H.R. 1400, the Iran Counter-Proliferation Act, what I call the bipartisan Lantos-Ros-Lehtinen Resolution. We need to prohibit nuclear cooperation between the U.S. and countries who are aiding Iran's nuclear program, and we need to strengthen our current sanctions against Iran.

First, we cannot talk about Iran in a vacuum. We need to pass this resolution and put other pressure on this government. We also need to make sure that we do not leave Iraq and the Middle East to this country. Iran is pursuing nuclear capabilities and is one of the world's most egregious exporters of terrorism, funding Hamas, Hezbollah and Iraqi insurgents. We are needing to confront Iran because they are funding the Iraqi insurgents, therefore killing Iraqis who are on our side. They are literally killing our American troops. The seriousness of these facts was made clear when Iran's president threatened to wipe Israel off the map. That is his intent.

In addition, in April 2006, Ayatollah Khamenei told another one of the world's worst human rights abusers, Sudan, that Iran would gladly transfer nuclear technology to it. Khamenei stated, ''The Islamic Republic of Iran is prepared to transfer the experience, knowledge and technology of its scientists.'' That is a quote. I am hopeful the ongoing discussions between the Iranians and the United Nations to craft a permanent nuclear agreement will be successful. But I am not holding my breath.

It is critical that our Government utilize the tools at our disposal, including economic and diplomatic sanctions and the appropriate distribution of foreign aid to those groups who oppose the current regime to deter the threat Iran poses to global security. It is also appropriate and essential for us to impose pressure on the other nations of the world who prop up the Iranian Government and the extremists at the helm by their investing heavily in that nation.

The bottom line is, in spite of its assurances to the contrary, Iran remains committed to a nuclear weapons program. The United States must be unequivocal in its rejection of these ambitions. We need to realize that if you don't want war with Iran, then we need to make sanctions work.

Mr. Speaker, I thank the gentlewoman for yielding.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1 minute to my good friend from Texas (Mr. EDWARDS) for a colloquy.

Mr. EDWARDS. I first want to commend Chairman LANTOS for his strong leadership in this legislation. I support it very strongly and think it's good for our Nation and the security of the world. I would like to express that I have heard some concerns raised about whether section 405 unintentionally might create any roadblocks to the Nunn-Lugar program where the United States and Russia work together to prohibit nuclear materials from getting into the hands of terrorists. Obviously, no one here, no one in Russia, no one in this country would want to make it more difficult to protect our Nation from theft of nuclear material from Russia.

Mr. Speaker, I just hope that as we move toward the final version of this legislation and discuss this with the Senate, I hope we can ensure it would not in any way unintentionally undermine our ability to evaluate physical protection systems at sites that receive U.S. nuclear exports and to just ensure that in no way do we unintentionally create some roadblocks for the continuation of the Nunn-Lugar program.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS. I yield to the gentleman from California.

The SPEAKER pro tempore. The gentleman's time has expired.

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

Mr. Speaker, I want to thank my friend from Texas for raising this issue. The Nunn-Lugar program is one of the most valuable international pieces of legislation since the end of the Second World War. It has gone a long ways in preventing nuclear materials falling into dangerous hands. It is imperative that the Russian Federation work together with the international community to thwart Iran's nuclear ambitions. I very much look forward to working with my friend from Texas to ensure that that goal and the nonproliferation goals are fully met in this legislation.

Mr. EDWARDS. I thank the gentleman for his leadership and his comments.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK), the cochair of the Congressional Iran Working Group.

Mr. KIRK. Mr. Speaker, the history of the 20th century tells us that genocidal dictators say what they will do and then do what they said. Hitler told us in his writings that he would murder Jews. And he did. Stalin said that he would liquidate the Kulaks, Russia's small farmers. And he did. Pol Pot said he would eliminate the middle class and intellectuals. And he did. Now the President of Iran said he will wipe Israel off the face of the Earth. And he will.

Now, we Americans promised in 1945, never again. Ahmadinejad says that one Jewish holocaust is not enough, that he would wish to commit a second genocide, and he would deny that that would happen because he already denies that the holocaust happened.

Now, our options with regard to Iran are poor. Option one is to leave this to the United Nations alone. But that appears to lead to the Iranians having the bomb. Option two is to let Israel's armed forces remove the threat. But that mission is dangerous and uncertain.

Thanks to Chairman LANTOS and Ranking Member ROS-LEHTINEN, we in Congress are developing a better and third option. Sanctions against Iran can work. This bill strengthens such sanctions. We can do more. We should bankrupt Bank Melli, a funder of terror. And we should quarantine gasoline sales to Iran. These measures could cripple Iran. Like the Yugoslav dictatorship, we can bring effective pressure to bear to achieve our objectives without military action.

The new President of France sees the growing danger and says the international community and Europe should act. The new French President is right. This bill takes us in the direction of a safer world and one in cooperation with our allies.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished Chair of the Western Hemisphere Subcommittee of the Foreign Affairs Committee, Mr. ENGEL of New York.

Mr. ENGEL. Mr. Speaker, I thank our distinguished chairman for yielding to me. I rise in strong support of this legislation.

Mr. Speaker, yesterday, I was in New York City, my hometown, where I spoke at a demonstration in front of the United Nations protesting Ahmadinejad's speaking at that world body. I also then went to Columbia University where I also participated in a protest outside of Columbia University.

Mr. Speaker, I want to be able to tell my children and my grandchildren that I did something when evil raised its ugly head. Perhaps if there had been more of this in the 1930s, Adolph Hitler might not have come to power. He said what he was going to do, as the gentleman from Illinois just said, and he carried it out. When Mr. Ahmadinejad says he wants to wipe Israel off the face of the Earth and do all kinds of other countless, horrific things, he means it.

This bill squeezes the Iranian regime where it counts the most, in the pockets, economically. No one could have

foreseen that the Soviet Union could have rotted from within. But the Iranian regime is rotting from within. They are now importing oil. There's an energy crunch in Iran. This is the way to topple that regime. I think that they are the biggest threat right now to the world.

The United Nations discredits itself. We will soon have a resolution condemning their so-called Human Rights Commission, which does nothing but attack Israel. We need to stand up and say that we were able to act when it counted. This is one of the most important things that the Congress can do by slapping sanctions on Iran.

We have the Syria Accountability Act which I introduced with the distinguished ranking member. We are going to have another bill. Syria and Iran, who represent threats to the region, need to be hit in the pocketbook, economically, in order for their regimes to collapse or for them to change their behavior.

Mr. Speaker, this bill does that. That is why everyone should support it today.

Ms. ROS-LEHTINEN. Mr. Speaker, I reserve my time.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 1¾ minutes to the distinguished member of the Intelligence Committee, the gentlewoman from California (Ms. HARMAN).

□ 1115

Ms. HARMAN. Mr. Speaker, California is poised to join several other States in requiring its huge pension funds to disinvest in Iran. The decision is bipartisan. I commend my State's Democratic legislature and Republican Governor for this bold move.

So, H.R. 1400 too, is a bold bipartisan move, and I urge its passage. It tightens enforcement of U.S. sanctions, which are working; it conditions future nuclear cooperation with Russia on that country's ceasing its nuclear ties with Iran; and it designates Iran's Revolutionary Guards, who have long carried out terrorist acts in Iraq and the region, as a terror organization.

Mr. Speaker, Los Angeles, California, is home to over 800,000 Iranian Americans. In fact, it's called sometimes the ''Tehrangeles.'' I understand that, because we have such a large population. Our fight, however, is not with the ''Tehrangelenos,'' and it surely is not with the Iranian people either; but our fight, and we must continue it, is against the threats and the actions of the extreme regime in Iran who threaten our Democratic ally Israel and who threaten the entire world with the prospect of a nuclear bomb.

Coercive sanctions are working. H.R. 1400 will add new tools to those sanctions. This is the right way for this country to speak out and the right way for this country to achieve results.

Mr. HERGER. Mr. Speaker, I rise in support of H.R. 1400, as amended to strengthen its goals and effect.

The Iranian regime supports terrorism. Iran's President has called for Israel to be, and I quote, ''wiped off the map.'' Iranian special forces are fighting a ''proxy war'' against U.S. troops in Iraq and are training Iraqi Shiite extremists. Iran's uranium enrichment continues to fly in the face of several United Nations resolutions, and the International Atomic Energy Agency, IAEA, reports that Iran could develop nuclear weapons in as few as 3 years.

A multilateral strategy will most effectively block Iran's dangerous ambitions. The U.N., in particular, must adopt additional, stronger measures to stop this hostile regime dead in its tracks. I am also very encouraged by the recent statements of French President Sarkozy calling on France and the rest of Europe to adopt ''international'' and ''multilateral'' economic sanctions against Iran, in coordination with U.S. efforts.

As I have said on this floor before, I question the effectiveness of unilateral sanctions because they often disturb the very multilateralism that we currently see taking shape against Iran. Careful drafting, however, can alleviate the disruption, and the Ways & Means Committee strengthened H.R. 1400 by inserting provisions that will preserve this growing international coalition.

More specifically, H.R. 1400 maintains the President's discretion under current law not to impose import restrictions, if refraining would best serve the foreign policy purpose. To that end, Section 307 of this bill clarifies that the full ''authorities'' of IEEPA are implicated in Section 6(6) of the Iran Sanctions Act, not just the authority to impose import restrictions. A parallel rule of construction is included in Section 201.

In addition, my Committee was careful to clarify in Section 202 that the bill's import restrictions apply only to the current regulation, so the President retains needed flexibility. Finally, Section 406 of the bill as introduced and reported was stripped and replaced with a new funding source.

For these reasons, I urge support of H.R. 1400, as amended.

Mr. LANTOS. Mr. Speaker, I submit a series of letters from other committees that have jurisdiction over parts of this legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, September 24, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing regarding H.R. 1400—''to enhance United States diplomatic efforts with respect to Iran by imposing economic sanctions against Iran, and for other purposes''—which was reported by the House Foreign Affairs Committee on August 2, 2007.

As you know, the Committee on Ways & Means has jurisdiction over import matters. Accordingly, certain provisions of H.R. 1400 fall under the Committee's jurisdiction.

There have been some productive conversations between the staffs of our committees, during which we have proposed some changes to H.R. 1400 that I believe I help clarify the intent and scope of the measure. My understanding is that there is an agreement with regard to these changes. Modifications were made to section 202, relating to additional import sanctions against Iran, and section 406, relating to certain tax incentives, was removed. In addition, provisions were included in section 201 and a new section 307 was added to H.R. 1400 to clarify that other provisions of the Act did not affect the President's authority under the International Emergency Economic Powers Act, particularly as such authority relates to measures restricting imports.

To expedite this legislation for floor consideration, the Committee will forgo action on this bill and will not oppose its consideration on the suspension calendar. This is done with the understanding that it does not in any way prejudice the Committee or its jurisdictional prerogatives on this, or similar legislation, in the future.

I would appreciate your response to this letter, confirming our understanding with respect to H.R. 1400, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 24, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1400, the Iran Counter-Proliferation Act of 2007.

I appreciate your willingness to work cooperatively on this legislation and the mutually agreed upon text that is being presented to the House. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Ways and Means. I agree that the inaction of your Committee with respect to the bill does not in any way prejudice the Committee on Ways and Means or its jurisdictional prerogatives on this or similar legislation in the future.

I will ensure that our exchange of letters be included in the Congressional Record.

Cordially,

TOM LANTOS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, September 21, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 1400, the Iran Counter-Proliferation Act of 2007. This bill was introduced on March 8, 2007, and was referred to the Committee on Foreign Affairs, and in addition, to this Committee, among others. The bill has been reported by the Committee on Foreign Affairs.

There is an agreement with regard to this bill, and so in order to expedite floor consideration, I agree to forego further consideration by the Committee on Financial Services. I do so with the understanding that this decision will not prejudice this Committee with respect to its jurisdictional prerogatives on this or similar legislation. I request your support for the appointment of conferees from this Committee should this bill be the subject of a House-Senate conference.

Please place this letter in the Congressional Record when this bill is considered by the House. I look forward to the bill's consideration and hope that it will command the broadest possible support.

BARNEY FRANK,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 6, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN LANTOS: In recognition of the desire to expedite consideration of H.R. 1400, the ''Iran Counter-Proliferation Act of

2007,'' the Committee on the Judiciary agrees to waive formal consideration of the bill.

Section 401 of the bill, which requires the President to determine whether the Islamic Revolutionary Guards Corps in Iran should be listed as a foreign terrorist organization under section 219 of the Immigration and Nationality Act, falls within the rule X jurisdiction of the Committee on the Judiciary.

The Committee takes this action with the understanding that by foregoing consideration of H.R. 1400 at this time, the Committee on the Judiciary does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation, and requests your support if such a request is made.

I would appreciate your including this letter in your Committee's report for H.R. 1400, or in the Congressional Record during consideration of the bill on the House floor.

Thank you for your attention to this matter.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 6, 2007.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1400, the Iran Counter-Proliferation Act of 2007.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on the Judiciary. I acknowledge that the Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction of the Judiciary Committee over subject matter contained in this bill or similar legislation.

Further, as to any House-Senate conference on the bill, I understand that your committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction.

I will ensure that our exchange of letters are included in the Congressional Record during the consideration of House debate on H.R. 1400, and I look forward to working with you on this important legislation. If you wish to discuss this matter further, please contact me or have your staff contact my staff.

Cordially,

TOM LANTOS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, September 7, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR CHAIRMAN LANTOS: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 1400, the Iran Counter-Proliferation Act of 2007.

As you know, on August 2, 2007, the Committee on Foreign Affairs reported H.R. 1400 to the House. The Committee on Oversight and Government Reform (Oversight Committee) appreciates your effort to consult regarding those provisions of H.R. 1400 that fall within the Oversight Committee's jurisdiction, including matters related to the federal workforce and contracting.

In the interest of expediting consideration of H.R. 1400, the Oversight Committee will not separately consider this legislation. The Oversight Committee does so, however, with the understanding that this does not prejudice the Oversight Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the Oversight Committee should H.R. 1400 or a similar Senate bill be considered in conference with the Senate. I also request that you include our exchange of letters in the Congressional Record during consideration of this legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 7, 2007.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1400, the Iran Counter-Proliferation Act of 2007.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Oversight and Government Reform. I acknowledge that the Committee will not seek a sequential referral of the bill and agree that the inaction of your Committee with respect to the bill does not prejudice the Oversight Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

Further, as to any House-Senate conference on the bill, I understand that your committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction, and I agree to support a request by the Committee with respect to serving as conferees on the bill (or similar legislation).

I will ensure that our exchange of letters are included in the Congressional Record during the consideration of House debate on H.R. 1400, and I look forward to working with you on this important legislation. If you wish to discuss this matter further, please contact me or have your staff contact my staff.

Cordially,

TOM LANTOS,
Chairman.

Mr. BLUMENAUER. Mr. Speaker, I share my colleagues' concern about the possibility of a nuclear armed Iran, so it is with regret that I must vote against this bill. Similarly to other bills that purported to sanction Iran and which I voted against, this legislation doesn't provide additional tools for diplomacy. Rather it limits the President's flexibility to use sanctions as a tool to deal with the Iranian challenge. However, by focusing the sanctions within it on third-parties such as Russia and Australia, this bill would make it more difficult to maintain the united international diplomatic front that is critical to resolving the Iranian situation peacefully.

We need to craft a new framework for relations with Iran; one that advances our interests and values through engagement and support for the Iranian people. I believe it is more important than ever for forceful U.S. diplomatic re-engagement to support peace, democracy, and a more secure regional dynamic. We must also undertake the difficult, yet critical, task of engaging directly and honestly with Iran, despite its often destructive and destabilizing role. The lack of a serious diplomatic relationship strengthens those who seek chaos and isolation, while leaving the U.S. with fewer levers of influence and more blind spots than we can afford.

Faced with the prospect of nuclear war with the Soviet Union, President John F. Kennedy said, ''Let us never negotiate out of fear. But let us never fear to negotiate.'' For the United States and our friends in the Middle East, the prospect of continued terror, violence, and instability is too dire to do otherwise.

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 1400, the Iran Counter-Proliferation Act of 2007.

With this bill, the United States will have the tools to persuade Iran's Government to abandon its pursuit of nuclear weapons.

We are sending a strong message to the world. We will not tolerate violations of the Genocide Convention. This bill calls for Iranian President Mahmoud Ahmadinejad to be brought before the International Court of Justice for his repeated calls for the destruction of Israel.

We will continue to use diplomatic methods to stand tough and protect our allies abroad. This bill ends all Iranian imports to the United States and restricts U.S. exports to Iran to strictly food and medicine.

I also believe economic pressure is an effective deterrence. This bill prevents U.S. subsidiaries of foreign oil companies that are sanctioned for investing in Iran's oil sector from receiving U.S. tax benefits for oil and gas exploration.

Iran will not violate rules and go unnoticed. This bill also encourages the administration to prohibit all Iranian state-owned banks from using the U.S. banking system.

I urge my colleagues to support this bill.

Mr. HOLT. Mr. Speaker, I rise today as a cosponsor and strong supporter of the Iran Counter-Proliferation Act of 2007, H.R. 1400. It is appropriate that we are debating this bill today while Iran's President Mahmoud Ahmadinejad addresses the United Nations General Assembly.

The current regime in Iran poses troubling security challenges to the community nations and our allies in the Middle East. The hateful and threatening comments made by the President of Iran against Israel cannot be tolerated. Further, the provocative actions taken by Iran to further their nuclear weapons program are not acceptable. A nuclear Iran would destabilize the region and threaten the United States and our allies. Iran must alter its dangerous course, and the United States needs to be fully involved to help bring this about.

My commitment to ending Iran's nuclear weapons program is one of the reasons I was an early cosponsor of the Iran Counter Proliferation Act of 2007. H.R. 1400 is important legislation that would prevent nuclear cooperation between the United States and any country that provides nuclear assistance to Iran as well as support diplomatic and economic means to resolve the Iranian nuclear problem. It would also expand bilateral sanctions against Iran by severely limiting the export of U.S. items to Iran and by prohibiting all imports. Additionally, H.R. 1400 calls for enhanced UN Security Council efforts in response to Iran's continued defiance of the

international community. Finally, it is important to note that the bill specifically states that the administration cannot interpret anything in the legislation as a congressional authorization of a military strike on Iran.

Earlier this year, the House passed the Iran Sanctions Enabling Act of 2007, H.R. 2347. This legislation which I also supported would authorize State and local governments to divest from, and prevent investment in, companies with financial ties to Iran's energy sector, or that sell arms to the Government of Iran, and financial institutions that extend credit to the Government of Iran.

H.R. 1400 is logical next step to ensure that the United States does everything in our power to prevent Iran from becoming a nuclear state and further destabilizing the Middle East. I urge my colleagues to support this vital legislation.

Mr. PAUL. Mr. Speaker, I rise in strongest opposition to this curiously-timed legislation which continues to beat the drums for war against Iran. It is interesting that this legislation was not scheduled for a vote this week, but appeared on the schedule at the last minute after a controversial speech by Iran's President at Columbia University.

The House has obviously learned nothing at all from the Iraq debacle. In 2002, Congress voted to abrogate its Constitutional obligation to declare war and instead transfer that authority to the President. Many of my colleagues have expressed regrets over their decision to transfer this authority to the President, yet this legislation is Iraq all over again. Some have plausibly claimed that the move in this legislation to designate the Iranian military as a foreign terrorist organization is an attempt to signal to the President that he already has authority under previous resolutions to initiate force against Iran. We should recall that language specifically requiring the President to return to Congress before initiating any strike on Iran was removed from legislation by House leadership this year.

In expanding sanctions against Iran and against foreign businesses and countries that do business with Iran, we are hurting the American economy and moving the country closer to war. After all, sanctions are a form of warfare against a nation; and, if anyone has forgotten Cuba, sanctions never achieve the stated goals.

This legislation authorizes millions more dollars to identify and support young Iranians to come to the United States. Does anyone believe that we are assisting political opposition to the current Iranian regime by singling Iranians out for U.S. support? How would Americans react if the Chinese government were funding U.S. students to come to China to learn how to overthrow the U.S. government? This move is a counterproductive waste of U.S. taxpayer dollars.

The march to war with Iraq was preceded with numerous bills similar to H.R. 1400. No one should be fooled: supporters of this legislation are aiming the same outcome for Iran. I strongly urge a "no" vote on this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I again thank the chairman, Mr. LANTOS.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and pass the bill, H.R. 1400, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend the rules on H.R. 1400 will be followed by 5-minute votes on motions to suspend the rules postponed yesterday in the following order:

H. Res. 584, by the yeas and nays;

H. Con. Res. 210, by the yeas and nays;

H. Res. 663, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 397, nays 16, not voting 19, as follows:

[Roll No. 895]

YEAS—397

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
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
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
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
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
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
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)
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
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)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—16

Abercrombie
Baldwin
Bartlett (MD)
Blumenauer
Conyers
Ellison
Flake
Gilchrest
Hinchey
Lee
McDermott
Miller, George
Moore (WI)
Olver
Paul
Stark

NOT VOTING—19

Berry
Bishop (GA)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson (IL)
Johnson, E. B.
Kucinich
Lampson
Platts
Poe
Ross
Schmidt
Snyder
Tiahrt

□ 1142

Messrs. BLUMENAUER, GEORGE MILLER of California, GILCHREST, BARTLETT of Maryland, CONYERS, HINCHEY, Ms. LEE and Ms. BALDWIN changed their vote from "yea" to "nay."

Mr. NEAL of Massachusetts and Ms. LORETTA SANCHEZ of California changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated if:

Mr. PLATTS. Mr. Speaker, on rollcall No. 895 (H.R. 1400), I missed the vote due to extenuating circumstances. Had I been present, I would have voted "yea."

Mrs. SCHMIDT. Mr. Speaker, on rollcall No. 895, I was late returning from Walter Reed Army Medical Center and missed the vote. Had I been present, I would have voted "yea."

NATIONAL LIFE INSURANCE AWARENESS MONTH

The SPEAKER pro tempore (Mr. ISRAEL). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 584, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 584.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 1, not voting 19, as follows:

[Roll No. 896]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
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
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
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
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
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)
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
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)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Stark

NOT VOTING—19

Berry
Bishop (GA)
Carson
Conyers
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson (IL)
Johnson, E. B.
Kucinich
Lampson
Poe
Rogers (MI)
Ross
Snyder
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1150

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LAMPSON. Mr. Speaker, on rollcall Nos. 895 and 896, had I been present, I would have voted "yea."

SUPPORTING THE GOALS AND IDEALS OF SICKLE CELL DISEASE AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 210, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 210.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 897]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
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
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar

Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
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
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
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
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
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)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
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)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—17

Berry
Bishop (GA)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Gilchrest
Herger
Jindal
Johnson (IL)
Johnson, E. B.
Kucinich
Poe
Ross
Snyder
Tiahrt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1158

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF VETERANS OF FOREIGN WARS DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 663, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 663.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 22, as follows:

[Roll No. 898]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
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
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)

Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
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)

NOT VOTING—22

Berry
Bishop (GA)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Doggett
Doyle
Herger
Jindal
Johnson (IL)
Johnson, E. B.
Kingston
Kucinich
Peterson (MN)
Poe
Ross
Simpson
Snyder
Tiahrt
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1204

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, on September 24, I was unavoidably detained and missed rollcall vote Nos. 891, 892, 893 and 894.

Rollcall vote No. 891 was to suspend the Rules and agree to H. Con. Res. 193. Had I been present, I would have voted "yea."

Rollcall vote No. 892 was to suspend the Rules and agree to H. Res. 668. Had I been present, I would have voted "yea."

Rollcall vote No. 893 was to suspend the Rules and agree to H.R. 1199. Had I been present, I would have voted "yea."

Rollcall vote No. 894 was to suspend the Rules and agree to H. Res. 340. Had I been present, I would have voted "yea."

In addition, on September 25, I was unavoidably detained and missed rollcall vote Nos. 895, 896, 897, and 898.

Rollcall vote No. 895 was to suspend the Rules and agree to H.R. 1400. Had I been present, I would have voted "yea."

Rollcall vote No. 896 was to suspend the Rules and agree to H. Res. 584. Had I been present, I would have voted "yea."

Rollcall vote No. 897 was to suspend the Rules and agree to H. Con. Res. 210. Had I been present, I would have voted "yea."

Rollcall vote No. 898 was to suspend the Rules and agree to H. Res. 663. Had I been present, I would have voted "yea."

I would ask that my statement appear in the appropriate location in the CONGRESSIONAL RECORD.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISRAEL). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

OPPOSING ASSASSINATION OF LEBANESE PUBLIC FIGURES

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 548) expressing the ongoing concern of the House of Representatives for Lebanon's democratic institutions and unwavering support for the administration of justice upon those responsible for the assassination of Lebanese public figures opposing Syrian control of Lebanon, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 548

Whereas on February 14, 2005, former Lebanese Prime Minister Rafik Hariri, along with 22 other people, was assassinated by a massive bomb;

Whereas Lebanon's Cedar Revolution led to the withdrawal of Syrian troops from Lebanon in April 2005, following 30 years of Syrian military occupation;

Whereas parliamentary elections were held in Lebanon in May and June of 2005 leading to the formation of a government under Prime Minister Fuad Siniora, with a majority of the parliament and cabinet committed to strengthening Lebanon's independence and the sovereignty of its democratic institutions of government;

Whereas Lebanese independence and sovereignty are still threatened by an ongoing campaign of assassination and attempted assassinations of Lebanese political and public figures opposed to Syrian interference in Lebanon's internal affairs, and terrorist bombings intended to incite ethnic and religious hatred, the continuing presence of state-sponsored militias and foreign terrorist groups, and the ongoing and illegal transshipment of weapons and munitions from Iran and Syria into Lebanon;

Whereas the democratically-elected and legitimate government of Lebanon, in accordance with the mandate of United Nations Security Council resolutions and the relevant provisions of the Taif Accords, has made efforts, through the internal deployments of the Lebanese Armed Forces, to exercise its full sovereignty, so that there will be no weapon or authority within Lebanon other than that of the Government of Lebanon;

Whereas the Lebanese Council of Ministers, on November 25, 2006, approved a statute for the establishment of a tribunal of an international character according to the terms negotiated between the Government of Lebanon and the United Nations in order to bring to justice all those responsible for the terrorist bombing of February 14, 2005;

Whereas a majority of Lebanese members of parliament sought a vote in favor of ratifying the statute establishing a tribunal of an international character, and 70 of Lebanon's then 127 parliamentarians sent a memorandum to the United Nations Secretary-General endorsing the establishment under the United Nations Charter of a Special Tribunal to bring to justice all those responsible for the terrorist bombing of February 14, 2005;

Whereas the Lebanese parliament is scheduled to convene on September 25, 2007, to begin the process of electing the next President of Lebanon;

Whereas Hezbollah, a United States Department of State-designated Foreign Terrorist Organization, and their pro-Syrian allies have declared the democratically-elected and legitimate Government of Lebanon ''unconstitutional'', and are seeking to topple the government through extra-legal means, including rioting, continuous street demonstrations outside of the Council of Ministers, and obstructing traffic in Beirut;

Whereas the transfer of weapons, ammunition, and fighters into Lebanon in contravention of United Nations Security Council Resolution 1701 (2006), has twice prompted the Security Council to issue statements, on April 17, 2007, (S/PRST/2007/12) and on June 11, 2007, (S/PRST/2007/17) wherein it expressed deep and serious concern at mounting information by Israel and other states of illegal movements of arms into Lebanon, and in particular across the Lebanese-Syrian border, in violation of Security Council Resolution 1701;

Whereas the United Nations Security Council, with the full support of the United States, has repeatedly adopted resolutions, notably, Resolutions 425 (1978), 520 (1982), 1559 (2004), 1655 (2006), 1664 (2006), 1680 (2006), 1701 (2006), and 1757 (2007) that, among other things, express the support of the international community for the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon, and demand the disarmament of all armed groups in Lebanon;

Whereas United Nations Security Council Resolutions, notably, 1595 (2005), 1636 (2005), 1644, (2005), 1664 (2006), 1748 (2007), and 1757 (2007), underscore the importance of the pursuit of justice in response to the terrorist bombing of February 14, 2005, and if appropriate, other assassinations and assassination attempts since October 2004;

Whereas the United Nations Security Council, with the full support of the United States, has sought to assist the Government of Lebanon in extending its authority over all Lebanese territory, including its sea, land, and air borders, through the presence of the United Nations Interim Force in Lebanon (UNIFIL) in southern Lebanon and through technical and personnel assistance;

Whereas the United Nations Security Council, with the full support of the United States, has strongly supported the demand of the Lebanese people that justice be done to those responsible for the terrorist attack of February 14, 2005, and other terrorist attacks and attempted assassinations since October 2004, establishing and extending the mandate of the International Independent Investigation Commission (IIIC) to investigate terrorist bombings of February 14, 2005, and moving toward the creation of a Special Tribunal of an international character, according to United Nations Security Council Resolutions 1595 (2005), 1636 (2005), 1644 (2005), 1664 (2006), 1686 (2006) and 1748 (2007);

Whereas Lebanese Prime Minister Fuad Siniora in a letter of May 14, 2007, informed the Secretary General of the United Nations that, ''the Lebanese Government believes that the time has come for the Security Council to help make the Special Tribunal for Lebanon a reality. We therefore ask you, as a matter of urgency, to put before the Security Council our request that the Special Tribunal be put into effect. A binding decision regarding the Tribunal on the part of the Security Council will be fully consistent with the importance the United Nations has attached to this matter from the outset, when the investigation commission was established. Further delays in setting up the Tribunal would be most detrimental to Lebanon's stability, to the cause of justice, to the credibility of the United Nations itself and to peace and security in the region.'';

Whereas the United Nations Security Council, with the full support of the United States, adopted Resolution 1757, establishing on June 10, 2007, a Special Tribunal to try all those found responsible for the terrorist bombing of February 14, 2005, and if appropriate, both prior and subsequent attacks in Lebanon, unless the Government of Lebanon has provided notice that such a tribunal has been established under its own laws;

Whereas the United States Congress has appropriated emergency economic and military assistance to Lebanon at levels far greater than the amounts of bilateral assistance provided in recent fiscal years; and

Whereas it is manifestly in the interests of the United States and the international community to support the full sovereignty and political independence of Lebanon, its democratically-elected and legitimate government, and to insist that justice be done concerning the terrorist bombing of February 14, 2005, and both prior and subsequent politically-inspired assassinations and assassination attempts: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the attempts by Hezbollah and other pro-Syrian groups to undermine and intimidate the democratically-elected and legitimate Government of Lebanon by extra-legal means;

(2) condemns the campaign of attempted and successful assassinations targeting members of parliament and public figures in favor of Lebanese independence and sovereignty and opposed to Syrian interference in Lebanon, and bombings in civilian areas intended to intimidate the Lebanese people;

(3) calls on the Lebanese parliament to elect a new President in accordance with the processes and timetable established by Lebanon's constitution;

(4) declares that the association of political parties with terrorist organizations, militias, and other elements retaining armed operational capabilities outside of the official military and security institutions of the Government of Lebanon hinders the emergence of a fully-democratic Lebanon;

(5) confirms the strong support of the United States for United Nations Security Council resolutions concerning Lebanon, and the clear and binding mandate of the international community for the arms embargo and disarmament of all armed groups in Lebanon, and particularly, Hezbollah and Palestinian factions in Lebanon;

(6) condemns Syria and Iran for their ongoing roles in providing arms to terrorist organizations, Lebanese militias, and other militias operating in Lebanon, in blatant contravention of United Nations Security Council Resolution 1701;

(7) declares that the United States should consider Syria's obstructive role in Lebanon when assessing the status and nature of United States bilateral relations with Syria;

(8) expresses its strong appreciation to Belgium, China, Cyprus, Denmark, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, the Republic of Korea, Luxemburg, Malaysia, Nepal, Netherlands, Norway, Poland, Portugal, Qatar, Slovakia, Slovenia, Spain, Sweden, Tanzania, and Turkey for their contributions of military personnel to serve in the United Nations Interim Force in Lebanon (UNIFIL), now manned with 13,251 troops of the 15,000 troops authorized in United Nations Security Council Resolution 1701;

(9) urges the Government of Lebanon to request UNIFIL's assistance to secure the Lebanese-Syrian border against the entry of illicit arms or related material under paragraphs 11(f) and 14 of United Nations Security Council Resolution 1701, and pledges earnest American support for this action, should the Government of Lebanon choose to do so;

(10) calls on the international community to further support the mission of UNIFIL and efforts by the United Nations Secretary-General to improve the monitoring of the Lebanese border in order to effectively implement the arms embargo on armed groups in Lebanon required by United Nations Security Council Resolution 1701;

(11) affirms strongly United States support for efforts to bring to justice those responsible for the terrorist bombing of February 14, 2005, and both prior and subsequent politically inspired assassinations, and for the Special Tribunal for Lebanon established by the United Nations Security Council Resolution 1757;

(12) endorses prompt action by the Special Tribunal for Lebanon for the terrorist bombing of February 14, 2005, and both prior and subsequent politically-inspired assassinations, under Chapter VII of the United Nations Charter;

(13) pledges continued support for the democratically-elected and legitimate Government of Lebanon and the Lebanese people against the campaign of intimidation, terror, and murder directed at the Lebanese people and at political and public figures opposing Syrian interference in Lebanon;

(14) commends the many Lebanese who continue to adhere steadfastly to the principles of the Cedar Revolution and support the democratically-elected and legitimate Government of Lebanon;

(15) applauds the Government of Lebanon's efforts to fully extend Lebanon's sovereignty over the entire country through the internal deployments of the Lebanese Armed Forces, including direct action against the Fatah al Islam group, and encourages the Government of Lebanon to intensify these efforts; and

(16) re-affirms its intention to continue to provide financial and material assistance to support the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I rise in support of the resolution and yield myself such time as I may consume.

Mr. Speaker, what has been happening in Lebanon is extreme aggression in the classic sense of the word. Through a campaign of assassinations targeting Lebanese parliamentarians and political figures; bombings in public places; threats to establish an alternative extra-constitutional government; and the instigation of a jihadi insurgency by the Fatah al-Islam, Syria, Iran, their bootlegging proxies, Hezbollah, Amal, and Aoun's Free Patriotic Movement, have brought Lebanon's government to a constitutional crisis. Yet again, outside actors have pushed Lebanon to the brink of civil war for their selfish interests.

Just 6 days ago, on September 19, a massive car bomb killed Antoine Ghanem along with five other civilians, and left many dozens of other bystanders wounded. Mr. Ghanem, a member of the Lebanese Parliament and a supporter of the Siniora government, was just the latest in a string of 11 political assassinations over the past 3 years. As a consequence of this pattern of violence, the March 14 alliance is two parliamentarians away from being murdered out of their majority.

Now is the time for this Congress to send a strong message of support for the democratically elected and fully legitimate government in Lebanon. Time, Mr. Speaker, is short.

The Syrian-backed campaign for murder is creeping ever closer to its goal of destroying the majority of the Lebanese Parliament, bringing down the government of Fuad Siniora, and imposing again a pro-Syrian president on Lebanon.

Fearing just this scenario months ago, I introduced H. Res. 548 with the ranking member of the subcommittee, Mr. PENCE, with Chairman LANTOS and Representatives ISSA and BOUSTANY, two Members whose roots extend back to Lebanon. This bipartisan resolution expresses the strong support of the House of Representatives for Lebanon's elected government, and affirms our readiness to make that support tangible in order to help preserve and strengthen Lebanese sovereignty and independence.

The resolution condemns Syria and Iran for providing arms to Lebanese militias, particularly the terrorist group Hezbollah, and the Palestinian factions in Lebanon, in clear contravention of Security Council resolutions.

H. Res. 548 also endorses prompt action by the Special Tribunal for Lebanon established by the Security Council to investigate the assassination of former Lebanese Prime Minister Rafik Hariri in February 2005. Syria must know with utter certainty that the United States will never sacrifice justice in Lebanon to allow Damascus to escape accountability for its crimes.

The current Lebanese Government, which is under siege, is both legitimate and representative of the majority of Lebanese. The attempts to undermine it are not some kind of retaliation. Lebanon's government is being systemically attacked only because it is unwilling to subordinate its authority and Lebanon's sovereignty to external and extra-legal demands.

Quite simply, Lebanon is being bullied. And in light of this fact, the United States and the entire international community must come to its aid.

I would urge all of our colleagues to support the resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 548. I would like to thank the gentleman from New York, my good friend, Mr. ACKERMAN, for introducing this important resolution, and for Chairman LANTOS of our Foreign Affairs Committee for bringing it before the floor today.

With the execution last Wednesday of an anti-Syrian Lebanese parliamentarian in a Christian suburb of Beirut, and the announcement today that the Lebanese Parliament will delay until next month the election of a new Lebanese president due to a Hezbollah-led opposition boycott, both Syria and Iran are now one step closer to their strategic goal of once again dominating Lebanon.

Four anti-Syrian parliamentarians are all that stand in the way of the detestable efforts of pro-Syrian forces within Lebanon to impose their presidential candidate on all of Lebanon and deny Lebanon its true sovereignty. They will undoubtedly use the time afforded by the delay in the presidential election to effectively finish the job they started in the wake of the coalition's March 14 electoral victory.

And what is the goal of these pro-Syrian forces? To gain a parliamentary majority through assassination and terror. Led by Hezbollah, the pro-Syrian parliamentary bloc has repeatedly demanded that a compromise candidate who will bring national unity be elected to the presidency next month. However, Mr. Speaker, just the opposite is true. A compromise and a unity candidate can only serve to bring about the election of yet another Syrian and Iranian puppet to the presidency. Like the outgoing so-called president, such a leader will work to prevent Lebanon from extricating itself from Iranian and Syrian influence and total control.

Furthermore, the inclusion of pro-Syrian and Iranian elements in the Lebanese Government renders the government, regardless of the individual desires of the members, and indeed the entire electoral process, an effective tool of Syria and Iran. Some had hoped that Hezbollah's entry into Lebanese politics would signal its integration into Lebanese society and force its leaders to dismantle Hezbollah's military and terrorist infrastructure. Sadly, the opposite has occurred. Allowing an Islamic terrorist entity to use the political process and legitimatize itself without first demanding that it stop its objectionable behavior only serve to perpetuate and enhance the threat.

Last October, Iran and Syria changed their calculations as to how to best use Hezbollah to advance their interests and undermine the sovereignty of Lebanon. They instructed Hezbollah to withdraw from the government.

Since then, Hezbollah, joined by other Syrian and Iranian proxies, has worked steadily to overthrow the government by politically paralyzing it in parliament and assassinating its supporters. At the same time, they have reportedly provided massive amounts of arms, training, and financial support to Hezbollah as it rebuilds from the conflict with Israel last summer.

Additionally, reports that the Lebanese Army has enabled Hezbollah to reassert its control over southern Lebanon continues to gravely concern us.

Mr. Speaker, simply put, we cannot afford to continue to pursue a policy toward Lebanon based on willful negligence. We must accept that a moderate government will only materialize after the Syrian and Iranian proxies in Lebanon are defeated and dismantled. This resolution represents a step in the correct direction by voicing its unequivocal support for a true democratic government, and all those within Lebanon who have struggled against Syrian and Iranian control over their homeland for far too long truly deserve our support. I strongly urge my colleagues to support Mr. ACKERMAN's resolution.

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

Mr. BOUSTANY. Mr. Speaker, I am pleased to rise in strong support of House Resolution 548. This resolution expresses support for Lebanon's democratic institutions and the need to bring those responsible for the assassination of Lebanese public figures to justice.

Lebanon is a key ally of the United States and deserves our unwavering support as they continue to recover from last year's war.

Lebanon is a diverse country with over 17 religious groups, nevertheless, there is a strong sense of national unity within this country and its citizens often identify themselves as Lebanese before identifying with their own religious factions.

Lebanon is the example of what a democracy can and should be in the Middle East and I encourage all party leaders in the parliament to remain committed to finding a compromise presidential candidate. It is important that the process is followed and that a unified government remains in place.

Political assassinations over the past several years have continued to plague Lebanon and have derailed the country's efforts to enact real reform measures. The individuals responsible for these murders must be brought to justice.

Lebanon is at a crossroad and the United States must remain committed to helping this nascent democracy.

Mr. LAHOOD. Mr. Speaker, I rise today in strong support of H. Res. 548, a resolution expressing the continued concern that we as a Congress and as a Nation have for the Lebanese people and their government.

The Cedar Revolution in 2005 led to the withdrawal of Syrian forces that had occupied Lebanon for more than three decades. After the withdrawal, the government of Prime Minister Fuad Siniora committed to creating a strong, democratic Lebanon, free of occupation or outside influence. Lebanon is fighting many enemies of freedom, both within and outside the country.

We have all seen the horrific news reports of the assassinations and attempted assassinations of anti-Syrian lawmakers in Lebanon, the most recent occurring just last week. The brave men and women who are struggling to move Lebanon forward have become targets in their own country. Hezbollah and other pro-Syrian factions in Lebanon know that they are in the minority, and have begun a desperation campaign to kill as many of their opponents as possible. Members of the Parliament have had to go into hiding outside of Lebanon, and lay their lives on the line when they return to conduct government business.

As Lebanon prepares for presidential elections this November, I believe it is vital that we reiterate our support for Lebanon and her people. H. Res. 548 reaffirms our support of the many United Nations resolutions that condemn Syria and Iran for their continued roles in arming the enemies of a free Lebanon, and expresses our appreciation to the many countries that have contributed funding and personnel to the United Nations Interim Force in Lebanon (UNIFL). Our Lebanese friends must know that we stand beside them as they continue to strengthen their government and bring to justice those responsible for the killings.

Mr. Speaker, I urge adoption of this important resolution.

□ 1215

Mr. ACKERMAN. Mr. Speaker, I would like to inquire if the distinguished ranking member has any additional speakers.

Ms. ROS-LEHTINEN. I have no additional speakers, and I'd like to yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 548, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GLOBAL POVERTY ACT OF 2007

Mr. SMITH of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1302) to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1302

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 ''Global Poverty Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) More than one billion people worldwide live on less than $1 per day, and another 1.6 billion people struggle to survive on less than $2 per day, according to the World Bank.

(2) At the United Nations Millennium Summit in 2000, the United States joined more than 180 other countries in committing to work toward the United Nations Millennium Development Goals to improve life for the world's poorest people by 2015.

(3) The United Nations Millennium Development Goals include the goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, that live on less than $1 per day, cutting in half the proportion of people suffering from hunger and unable to access safe drinking water and sanitation, reducing child mortality by two-thirds, ensuring basic education for all children, and reversing the spread of HIV/AIDS and malaria, while sustaining the environment upon which human life depends.

(4) On March 22, 2002, President George W. Bush stated: ''We fight against poverty because hope is an answer to terror. We fight against poverty because opportunity is a fundamental right to human dignity. We fight against poverty because faith requires it and conscience demands it. We fight against poverty with a growing conviction that major progress is within our reach.''.

(5) The 2002 National Security Strategy of the United States notes: ''[A] world where some live in comfort and plenty, while half of the human race lives on less than $2 per day, is neither just nor stable. Including all of the world's poor in an expanding circle of development and opportunity is a moral imperative and one of the top priorities of United States international policy.''.

(6) The 2006 National Security Strategy of the United States notes: ''America's national interests and moral values drive us in the same direction: to assist the world's poor citizens and least developed nations and help integrate them into the global economy.''.

(7) The bipartisan Final Report of the National Commission on Terrorist Attacks Upon the United States recommends: ''A comprehensive United States strategy to counter terrorism should include economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and enhance prospects for their children.''.

(8) At the summit of the Group of Eight (G–8) nations in July 2005, leaders from all eight countries committed to increase aid to Africa from the current $25 billion annually to $50 billion by 2010, and to cancel 100 percent of the debt obligations owed to the World Bank, African Development Bank, and International Monetary Fund by 18 of the world's poorest nations.

(9) At the United Nations World Summit in September 2005, the United States joined more than 180 other governments in reiterating their commitment to achieve the United Nations Millennium Development Goals by 2015.

(10) The United States has recognized the need for increased financial and technical assistance to countries burdened by extreme poverty, as well as the need for strengthened economic and trade opportunities for those countries, through significant initiatives in recent years, including the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, the Millennium Challenge Act of 2003, the Heavily Indebted Poor Countries Initiative, and trade preference programs for developing countries, such as the African Growth and Opportunity Act.

(11) In January 2006, United States Secretary of State Condoleezza Rice initiated a restructuring of the United States foreign assistance program, including the creation of a Director of Foreign Assistance, who maintains authority over Department of State and United States Agency for International Development (USAID) foreign assistance funding and programs.

(12) In January 2007, the Department of State's Office of the Director of Foreign Assistance added poverty reduction as an explicit, central component of the overall goal of United States foreign assistance. The official goal of United States foreign assistance is: ''To help build and sustain democratic, well-governed states that respond to the needs of their people, reduce widespread poverty and conduct themselves responsibly in the international system.''.

SEC. 3. DECLARATION OF POLICY.

It is the policy of the United States to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

SEC. 4. REQUIREMENT TO DEVELOP COMPREHENSIVE STRATEGY.

(a) STRATEGY.—The President, acting through the Secretary of State, and in consultation with the heads of other appropriate departments and agencies of the Government of the United States, international organizations, international financial institutions, the governments of developing and developed countries, United States and international nongovernmental organizations, civil society organizations, and other appropriate entities, shall develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

(b) CONTENTS.—The strategy required by subsection (a) shall include, but not be limited to, specific and measurable goals, efforts to be undertaken, benchmarks, and timetables to achieve the objectives described in subsection (a).

(c) COMPONENTS.—The strategy required by subsection (a) should include, but not be limited to, the following components:

(1) Continued investment in existing United States initiatives related to international poverty reduction, such as the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, the Millennium Challenge Act of 2003, the Heavily Indebted Poor Countries Initiative, and trade preference programs for developing countries, such as the African Growth and Opportunity Act.

(2) Improving the effectiveness of development assistance and making available additional overall United States assistance levels as appropriate.

(3) Enhancing and expanding debt relief as appropriate.

(4) Leveraging United States trade policy where possible to enhance economic development prospects for developing countries.

(5) Coordinating efforts and working in cooperation with developed and developing countries, international organizations, and international financial institutions.

(6) Mobilizing and leveraging the participation of businesses, United States and international nongovernmental organizations, civil society, and public-private partnerships.

(7) Coordinating the goal of poverty reduction with other development goals, such as combating the spread of preventable diseases such as HIV/AIDS, tuberculosis, and malaria, increasing access to potable water and basic sanitation, reducing hunger and malnutrition, and improving access to and quality of education at all levels regardless of gender.

(8) Integrating principles of sustainable development into policies and programs.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the President, acting through the Secretary of State, shall transmit to the appropriate congressional committees a report that describes the strategy required by subsection (a).

(2) SUBSEQUENT REPORTS.—Not less than once every two years after the submission of the initial report under paragraph (1) until and including 2015, the President shall transmit to the appropriate congressional committees a report on the status of the implementation of the strategy, progress made in achieving the global poverty reduction objectives described in subsection (a), and any changes to the strategy since the date of the submission of the last report.

SEC. 5. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) EXTREME GLOBAL POVERTY.—The term ''extreme global poverty'' refers to the conditions in which individuals live on less than $1 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

(3) GLOBAL POVERTY.—The term ''global poverty'' refers to the conditions in which individuals live on less than $2 per day, adjusted for purchasing power parity in 1993 United States dollars, according to World Bank statistics.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. SMITH) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the Global Poverty Act, and want to explain first what the bill does and then why it is so important. It declares the official U.S. policy to promote the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the U.N. Millennium Development Goal of cutting extreme poverty

in half by 2015. It requires the President to develop and implement a comprehensive strategy to carry out this policy. It includes guidelines for what the strategy should include, from aid, trade and debt relief, to working with the international community, businesses and NGOs to ensuring environmental sustainability.

It also requires that the President's strategy include specific and measurable goals, efforts to be undertaken, benchmarks and time tables. And, lastly, it requires that the President report back to Congress biannually on the progress made in the implementation of the global poverty strategy.

There are nearly 2.7 billion people in the world who are living on less than $2 a day. There are close to a billion who are living on less than a dollar a day. Arguably, there is no greater problem facing the globe right now than poverty and the vast number of people who suffer from it, the countries and communities who, every day, get up, simply wondering whether or not they and their children are going to live to see the end of that day. It causes instability, disease, and all kinds of problems from one end of the globe to the other.

But the other thing that is simply immoral is that there are this many people on that level of despair and on that level of poverty. And we in the United States have the power to at least try to help, and we are, in many, many ways.

I actually want to thank the President for the Millennium Challenge accounts, an effort to try to make sure that countries not just get foreign aid but use it wisely; the efforts to fund prevention of AIDS in Africa. The PEPFAR effort that's been going on for a number of years is a significant step forward.

We also have a large number of organizations and groups that are trying to combat global poverty. We have the world coming together in many ways as it never has before to try to combat this menace.

As mentioned, the U.N. set out their millennial development goals. The G8 set global poverty as its prime purpose a couple years ago. We have groups like the Gates Foundation and Results and Bread for the World and a large number of other organizations that are combating global poverty from every conceivable angle. And they are learning a lot as they do. They are learning what works, what moves forward, what doesn't work, what the best way to spend money is.

We are in the position, I believe, to consolidate those resources to get the maximum return on our effort to reduce global poverty. And I feel that the United States of America should be, not just a leader, but the leader in this effort.

And we have, as I mentioned, done a lot. But the one thing we haven't done is stated clearly and unequivocally that eliminating global poverty, or at least reducing it, is going to be a foremost goal of our foreign policy; and we have not implemented a comprehensive plan. It's great that there are so many different organizations working at this problem from a variety of different angles; but if we could bring that together, we could get more out of those resources. And I think the United States should coordinate that effort.

I want to thank a large number of people for helping make this happen. Certainly Chairman TOM LANTOS has been a tremendous leader on these issues and has been very helpful in this particular piece of legislation, as has the ranking member, ILEANA ROS-LEHTINEN, and the Republicans on the committee. This is a bipartisan effort. I want to thank Representative BACHUS, who I believe is going to speak, he and I were the original two sponsors on this bill, stepped up and helped.

I think this is something that we can come together on, and I think it is very, very important that the United States takes this leadership role. I believe if we do so we will be able to better combat global poverty, and I also think we will be better able to build alliances throughout the world and let the world know that the United States wants to use its power for the betterment of the entire world, not just ourselves. And we're willing to work with them on this problem that affects so many different countries throughout the world.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the gentleman's bill, H.R. 1302, the Global Poverty Act of 2007. We certainly have serious needs and poverty right here in our own country. The suffering of the world's extremely poor, however, is beyond the imagining of most Americans.

Many Americans might be shocked to know just how many men, women and children around the world die each hour of every day simply because they are too poor to obtain food, shelter or basic medical care. While we quite often see the fatal impact of famines or natural disasters, we rarely see the images of the ongoing suffering caused by persistent hunger and chronic poverty.

The bill seeks to better organize the approaches to fighting poverty that are employed by the Agency for International Development and other agencies in our own government. It would seek to accomplish that by calling on the President to create an overall strategy for these efforts.

I note that the sponsor of the bill, my good friend, Mr. SMITH from Washington, agreed to an amendment adopted by our Foreign Affairs Committee that made two important changes. First, while referencing foreign aid and debt relief as components of a strategy to address global poverty, the bill now makes it clear that the strategy that the President would draw up would not have to be based on the assumption that the United States foreign aid and debt relief will always continue to rise.

The United States certainly has been generous in its provisions of foreign aid and debt relief. But no one can predict whether those two types of assistance will always rise.

Moreover, to address poverty comprehensively, the President may want to focus on expanding other types of interactions with countries suffering from widespread poverty, such as promoting trade, promoting investment, for example.

The bill, in the amended text before us today, Mr. Speaker, will allow the greater flexibility in deciding what might work best at a given time, in the particular circumstances, rather than insisting that he devise a strategy that assumes that more foreign aid and debt relief are always required.

Secondly, the bill, as amended, requires that the President submit to Congress a report on the implementation of the strategy once every 2 years, rather than once a year, as originally intended. And I appreciate the sponsor of the bill agreeing to that change. The change in the frequency of the reports, of the submission of the reports, Mr. Speaker, will enhance the substance of the periodic reports as significant statements on the progress being made under a global poverty reduction strategy.

Mr. Speaker, it is my hope that Mr. SMITH's bill will promote a greater focus on how we might best provide assistance to those in dire poverty overseas, while ensuring a realistic view of the resources and the means available to us to provide such assistance.

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

Mr. SMITH of Washington. Mr. Speaker, I have no further speakers. I will reserve the balance of my time for purposes of closing.

Ms. ROS-LEHTINEN. Mr. Speaker, if I might, I would like to yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), the ranking member of the Committee on Financial Services and an original cosponsor of the resolution before us.

Mr. BACHUS. Mr. Speaker, first of all, let me commend the chairman and the ranking member of the Foreign Affairs Committee. It's been a pleasure working with Congressman Adam Smith on this legislation, and I commend you, Adam.

This is a bipartisan bill with a goal that should bring all of us together. And that goal is the reduction of extreme poverty and to make that reduction of extreme poverty a foreign policy priority for the United States.

Today, in dozens of poor countries all over the world, little boys and girls are born into poverty, disease, and hunger. Hopelessness and despair are their daily companions. Their burdens are day-to-day; they're painful and they're heavy.

In debating debt relief, I quoted Sister Rebecca Trujillo. She was asked,

How do they make it? How do they get through the day? Her answer was: ''How do they survive? Since being in Nicaragua I have taken to answer in a matter of fact way. Often they do not. Often they do not survive the day.''

Each day, even on our bad days, and we're fond of saying we've had a really bad day, but we ought to be reminded that for billions of people throughout the world, that even on our worst days, we have more food, more shelter, more clothes, more security, more health care, more of everything than our poor brothers and sisters have on their best days.

And, finally, a lot of people said, well, the reality is overwhelming. Half the world lives on $2 a day. But we can make a difference and we can do so at a very small cost.

We've had successes. We have made a difference. Debt relief has been a success. It has improved the lives of millions of people for almost no monetary cost to this country. Since the Millennium Development Goals were set 7 years ago, the poverty rate in sub-Saharan Africa is down 6 percent. There are more children receiving health care, in fact, over a million more children in that area alone, and medical treatment. Vaccinations are up throughout Africa. The percentage of students enrolled in primary schools has gone up considerably.

So, in closing, let me simply say this: cost should never be the overriding consideration. But when we consider cost, and doing the right thing is the imperative, but when we consider the cost, let us realize that the cost of not acting is not only hopelessness and unrest throughout the world, but is also terrorism and confrontation and wars that can be avoided if these programs work.

□ 1230

Global poverty is in our economic interest. It is in our national security interest as well. This bill will focus our battle against global poverty, and it is a powerful statement that Americans are committed to making this world a better place for all.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

I want to thank and again appreciate the efforts of my Republican colleagues and agree with their comments. A comprehensive strategy is what we are looking for here, and that is certainly trade, efforts at economic development, capacity-building to help countries figure out how to better use trade, microcredit. There are a lot of different strategies out there that can be employed. Certainly aid and debt relief are part of it but not the only part. In fact, the better part is when you can figure out how to make the economies work, how to make the governments work in these countries so that they can begin to develop their own economies and grow and lift themselves out of poverty in that manner. That is more sustainable and more long term. I personally believe that aid and debt relief will continue to be a significant part of the strategy for a while, but certainly the goal is also to be as comprehensive as possible and employ economic means to help lift people out of poverty as well.

I also think the other exciting thing about all this is the possibility of public-private partnerships, and I do not envision personally that the Federal Government or any federal government will wind up being the sole or even necessarily the leading organization in terms of driving the dollars out. We have a large number of groups, in my own neck of the woods, the Gates Foundation to the tune of over $30 billion, that are pumping money into a variety of different ideas to help alleviate global poverty. Nongovernmental organizations are making an enormous difference, and I would hope that the strategy would reflect that public-private partnership to maximize those resources.

And, lastly, I just want to agree with what Representative BACHUS said at the close there about how this does impact all of us. Instability leads to all manner of problems in the world, and poverty leads to instability more quickly than anything else. It is in our best interests to try to alleviate that instability and bring greater fairness, justice, and economic opportunities to the world. And I sincerely believe that this bill will have that effect, and I urge all Members of the body to support it.

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

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1302, as amended.

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

A motion to reconsider was laid on the table.

COUNTRIES HIT BY HURRICANES FELIX, DEAN, AND HENRIETTE

Mr. SMITH of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 642) expressing sympathy to and support for the people and governments of the countries of Central America, the Caribbean, and Mexico which have suffered from Hurricanes Felix, Dean, and Henriette and whose complete economic and fatality toll are still unknown.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 642

Whereas on September 4, 2007, Hurricane Felix, a Category 5 storm, hit the Nicaragua-Honduras border, causing over 40,000 people in Nicaragua and Honduras to be evacuated, and killing at least 100 people;

Whereas just weeks before, Hurricane Dean, a Category 5 storm, hit Mexico and the Caribbean coast, killed 27 persons, displaced over 260,000 persons, and destroyed over 36,000 homes;

Whereas Hurricane Henriette, a Category 1 storm, made landfall along the Baja California peninsula of Mexico hours after Hurricane Felix made landfall, the first time since 1949 that two Atlantic and Pacific hurricanes hit land on the same day;

Whereas for the first time in the recorded history of hurricanes, two Category 5 storms, Hurricanes Dean and Felix, made landfall during the same year;

Whereas Hurricane Henriette, though less powerful than Hurricane Felix, killed 7 people;

Whereas the homes of at least 5,000 Central Americans were damaged or destroyed by Hurricanes Felix and Henriette;

Whereas thousands more individuals were unable to be evacuated and forced to endure these hurricanes in the shelter of their own homes;

Whereas Hurricane Felix obtained wind speeds of over 160 miles-an-hour, causing widespread destruction with heavy rains and subsequent mudslides and floods expected to follow;

Whereas Hurricane Felix hit the Miskito Coast, home to the Miskito Indians, an indigenous population of Central America;

Whereas relief organizations have reported that thousands of Miskito Indians were stranded on the coast and unable to travel to safer regions;

Whereas the poorest civilians of Honduras and Guatemala who live in hillside villages will be most susceptible to mudslides due to their inland location;

Whereas Honduras and Nicaragua, the poorest countries of Central America, have economies that rely heavily on limited agricultural exports, which make both countries extremely vulnerable to natural disasters;

Whereas major tourist destinations, including Cabo San Lucas, the Mayan Riviera, Cancun, Acapulco, and a host of Caribbean islands, were forced to evacuate due to the hurricanes, thus harming the tourist industry on which these areas depend; and

Whereas Honduras and Nicaragua were still rebuilding after the devastating effects of Hurricane Mitch in 1998, which killed nearly 11,000 people and left more than 8,000 people missing, destroyed the infrastructures and economies of both countries, and caused billions of dollars in damage: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its sympathy to and support for the people and governments of the countries of Central America, the Caribbean, and Mexico in this time of devastation;

(2) vows its continued friendship and support for our neighbors in Central America, the Caribbean, and Mexico;

(3) urges all parties to continue their efforts in evacuating and providing aid to those individuals displaced by the hurricanes;

(4) recognizes the United States Government's initial efforts to provide assistance to populations affected by the hurricanes and urges increased and continued assistance as the effects of the hurricanes continue to unfold;

(5) encourages public institutions, specialized agencies, as well as private citizens, to offer their resources; and

(6) recognizes the efforts of relief organizations, including the International Federation of Red Cross and Red Crescent Societies, and the international community, in aiding the people and governments involved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. SMITH) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 642 pertains to the hurricanes that have struck Latin America in recent weeks and expresses sympathy and support for the people and the governments of the countries of Central America, the Caribbean, and Mexico, which have suffered from Hurricanes Felix, Dean, and Henriette and whose complete economic and fatality toll are still unknown.

As we all saw in the news in recent weeks, these hurricanes have devastated much of that region. We here in the House of Representatives want to express our sympathy and support for all the peoples in those regions that were impacted. We want to thank all those who have responded to the emergency with aid and various other efforts to help them and recognize the efforts of the United States in particular to do that and that we pledge to continue that help in any way we can as they try to recover from these terrible tragedies.

We in the U.S. know only too well the impacts of hurricanes and want to be as helpful as we can to our neighbors in helping them get through this very difficult time.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Hurricanes Felix, Dean, and Henriette delivered a devastating toll to the countries of Mexico, the rest of Central America, and the Caribbean. Between the three hurricanes, nearly 200 lives were lost, hundreds of thousands of people were displaced, and thousands of homes were destroyed.

I join my colleagues today to express our sincere sympathy and support for the people who have suffered as a result of these destructive storms. The resiliency of the people of these nations to overcome the tremendous power of these catastrophes has been truly tested. When Hurricane Felix hit on September 4, Honduras and Nicaragua were still in the midst of rebuilding following the effects of Hurricane Mitch in 1998. Especially vulnerable to natural disasters due to their dependence on agricultural exports and the potential for damaging mudslides, the historic occurrence of two category 5 storms in 1 year had an overwhelming impact for several of the countries in this region.

I commend the courage that our neighbors in Mexico, the rest of Central America, and the Caribbean continue to demonstrate in their efforts to overcome the damage wrought, and I admire the courage and the contributions made by relief agencies, private citizens, and the international community to assist in the aftermath of Hurricane Felix, Hurricane Dean, and Henriette.

Our prayers are with the family and friends of those who were harmed by the perils of this terrible storm season.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

I just want to thank the Committee on Foreign Affairs again, Mr. LANTOS, Ranking Member ROS-LEHTINEN, and the entire committee for their quick response to these issues. I think it is very, very important that we in the United States, particularly when we are talking about incidents in Latin America, our neighbors to the south, recognize as quickly as possible our solidarity with their struggles and their difficulties and our pledge to support and help them in any way we can.

I also want to thank Ms. SOLIS, who was the prime sponsor of this legislation, for her leadership on this issue. Not just this issue but throughout Latin America on a number of issues on the Foreign Affairs Committee, she has been a tremendous leader for us. She is supposed to be here to speak, but I believe she has been caught up in committee.

Ms. SOLIS. Mr. Speaker, I rise in strong support of House Resolution 642, a resolution I authored to express our sympathy and support for those affected by the recent hurricanes in Central America, Mexico and the Caribbean. As the only Member of Congress of Central American descent, I am very concerned about the impact of the hurricanes on this impoverished region of the world.

For the first time, two Category 5 storms, Hurricanes Dean and Felix, made landfall during the same year, both striking Central and Latin America. Earlier this month, Hurricane Felix, a Category 5 storm, made landfall along the remote border of Nicaragua and Honduras. The storm killed over 130 people and damaged or destroyed over 19,000 homes, mostly in Nicaragua. The aftermath has been devastating for thousands of families.

Hurricane Dean, another Category 5 storm, hit Mexico and the Caribbean coast and killed 27 people and damaged or destroyed over 50,000 homes. Nicaragua, in Central America, is one of the poorest countries in the area and was the hardest hit by Hurricane Felix.

The complete economic and human toll of the hurricanes is still unknown, but we must act quickly to ensure that humanitarian aid continues to flow to the communities impacted. Supplies, including food, clean water and rebuilding materials, are essential. Economic aid for the agriculture economies that those countries rely on is also badly needed.

House Resolution 642 recognizes the U.S. Government's initial humanitarian efforts and urges increased and continued assistance as the effects of the hurricanes unfold. The resolution also recognizes the efforts of humanitarian relief groups, including the International Red Cross.

Unfortunately, the United States knows all too well the damage and destruction that can result from hurricanes and other natural disasters. The area I represent in Los Angeles is prone to wildfires and earthquakes, and we are still working to support those affected by Hurricane Katrina.

Just as Hurricane Katrina showed us how disruptive and damaging natural disasters can be, they are all the worse for less developed countries. We all remember the devastation of Hurricane Mitch, which killed nearly 11,000 people and caused catastrophic mudslides in the same region nearly 10 years ago. We can and must help our neighbors in Latin America to recover from these hurricanes.

I urge my colleagues to support House Resolution 642.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 642.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

OPPOSING SINGLING OUT ISRAEL'S HUMAN RIGHTS RECORD

Mr. SMITH of Washington. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 557) strongly condemning the United Nations Human Rights Council for ignoring severe human rights abuses in various countries, while choosing to unfairly target Israel by including it as the only country permanently placed on the Council's agenda, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 557

Whereas Article II of Chapter I of the United Nations Charter states that ''[t]he Organization is based on the principles of sovereign equality of all its members'';

Whereas the former United Nations Human Rights Commission was widely discredited for its incessant attacks against Israel and for granting membership to Cuba, Zimbabwe, China, Saudi Arabia, and other countries that were notorious human rights violators;

Whereas the United Nations General Assembly voted overwhelmingly to adopt a resolution establishing the United Nations Human Rights Council, stating that ''members elected to the Council shall uphold the highest standards in the promotion and protection of human rights'';

Whereas the resolution also stated that ''the Council shall be responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner'';

Whereas China, Cuba, and Saudi Arabia are members of the United Nations Human Rights Council;

Whereas in the past year that the United Nations Human Rights Council has been in existence, the Council has held four special sessions to address pressing human rights situations;

Whereas of the four special sessions, three sessions were held for purposes of condemning Israel for alleged human right abuses in the West Bank and Gaza Strip, and in Lebanon, and the fourth session was a non-condemnatory expression of ''concern'' regarding the situation in Darfur, Sudan;

Whereas the United Nations Human Rights Council has failed to condemn serial abusers of human rights throughout the world, including Iran, Syria, North Korea, Cuba, China, Zimbabwe, Venezuela, and others;

Whereas, on June 19, 2007, a Department of State spokesperson specifically identified Burma, Cuba, North Korea, Zimbabwe, and Belarus as countries that merit consideration by the United Nations Human Rights Council due to their ''serious human rights violations'';

Whereas during its fifth special session, the United Nations Human Rights Council voted to make Israel the only country permanently included on its agenda; and

Whereas United Nations Secretary General Ban Ki-Moon stated he was ''disappointed at the Council's decision to single out only one specific regional item, given the range and scope of allegations of human rights violations throughout the world'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the United Nations Human Rights Council for ignoring severe human rights abuses in other countries, while choosing to unfairly target the State of Israel;

(2) strongly urges the United Nations Human Rights Council to remove Israel from its permanent agenda;

(3) strongly urges the United Nations Human Rights Council to hold special sessions to address other countries in which human rights abuses are being committed, adopt real reform as was intended for the Council when it replaced the United Nations Commission on Human Rights, and reaffirm the principle of human dignity consistent with the original intent envisioned at the Council's establishment;

(4) strongly urges the United States to make every effort in the United Nations General Assembly to ensure that the United Nations Human Rights Council lives up to its mission to protect human rights around the world, in accordance with United Nations General Assembly Resolution 60/251 establishing the Council; and

(5) strongly urges the United States to work with the United Nations General Assembly to ensure that only countries that have a well-established commitment to protecting human rights are chosen to serve on the Council.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. SMITH) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. SMITH of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Representative CAMPBELL for bringing this issue to the floor.

It has long been my view that the United Nations can be, and in many cases is, a very, very useful organization. It gives the countries of the world a chance to come together in one place and discuss issues that they can work together on but, perhaps as importantly, to discuss their differences. It was set up so that, hopefully, that process would reduce more violent conflict, that they could discuss these issues, figure out a way to work together, and move forward.

I also feel that it is a very appropriate role of the United Nations to look throughout the world and see where injustice is being done, identify it, and try to fix it.

Unfortunately, too many times that becomes politicized and focused, and in particular it becomes politicized and focused on the nation of Israel. With all of the problems that are going on throughout the world, all of the countries, all the despotic governments out there causing no ends of grief for their people, the one country that the United Nations continues to focus on is a free democracy in the Middle East, Israel. And they continually focus on them to the exclusion, in many cases, of far, far greater problems in other parts of the world.

Now, certainly I recognize the United Nations should be involved in the Middle East. There is unquestionably a conflict there between Israel and their neighbors in the Palestinian territories. Resolving that difference and helping the Palestinian people to set up their own country that will protect its people is incredibly important. But, again, unfortunately, the focus of the U.N. seems more to criticize and attack Israel to the exclusion of other problems.

So I want to thank Mr. CAMPBELL for bringing this resolution, which very simply asks, I guess, the United Nations to stop doing that, to stop focusing on Israel, and to have a broader focus on the problems of the world and do not unfairly criticize the nation of Israel. It undermines, rather than helps, any effort to resolve the conflicts in the Middle East.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 557, introduced by my friend Congressman JOHN CAMPBELL of California and his Democratic coauthor also from California (Mr. BERMAN).

The activities of the United Nations Human Rights Council during its first year in operation has been a travesty, but it should not come as any surprise to us.

Over the summer the council, which embraces serious human rights abusers as members, celebrated its first birthday by giving gifts to repressive dictators and Islamic radicals. It stopped unfinished investigations into human rights conditions in Cuba and Belarus and created a permanent agenda item relating to Israel, the only country singled out for such scrutiny.

Darfur, apparently the Human Rights Council sees no problem in southern Sudan.

□ 1245

North Korea, no evil there. China, according to the U.N. Human Rights Council, there are no human rights abusers in that workers' paradise. The bloody repression in Burma, in Zimbabwe, the council members have never heard of these actions. Unfortunately, these are exactly the consequences that many of us expected given the flaws inherent in the council's creation. For example, there are no criteria for membership in the council. Certain regional groups also are given greater power than democratic countries. And special sessions are easier to call, with Israel being the target for condemnation.

The council's structure and agenda are hopelessly compromised by political manipulation. The only country, again, singled out for actual condemnation has been the democratic State of Israel, which was the subject of three special sessions and 75 percent of all council resolutions and decisions expressing concerns about human rights conditions.

In June, because of such outrages, the House adopted an amendment that I proposed to the State and Foreign Operations appropriations bill which prohibited United States funding for the council. Mr. CAMPBELL and Mr. BERMAN's resolution before us today presents this body with another important opportunity to protest the farce, the insult, the travesty, the sad joke that the U.N. Human Rights Council has become.

I urge unanimous support for its adoption.

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

Mr. SMITH of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding the time, and I thank my friend from California (Mr. CAMPBELL) for coming to me with the idea of a resolution on the subject of the distorted, unfair, hypocritical, self-mocking agenda of the United Nations Human Rights Council and the need for the Congress of the United States to speak to their conduct.

Last year, I thought that when the United Nations decided to create a human rights body to replace the thoroughly discredited Human Rights Commission, there might finally be a chance for an open, respected forum for promoting basic liberties and rights and holding countries accountable that failed to do so, rather than a body on which would be placed some of the worst human rights abusers in the world.

The commission, as many of you know, was composed of many such countries whose own human rights records were far from laudable. While, for example, Zimbabwe, a former member of the commission, was busy leveling thousands of homes and leaving an estimated half a million people homeless, the commission was preoccupied with issuing successive reports condemning Israel.

I sincerely hope that the council will live up to its charter and become an impartial and forceful proponent of human rights around the world. Unfortunately, some have argued that the council, by spending an inordinate amount of time vilifying Israel, is even worse than the commission. It has passed one-sided resolutions condemning Israeli human rights violations in the Palestinian territories, calling several extraordinary sessions on Israeli actions in Lebanon and Gaza, and appointed successive rapporteurs to investigate alleged Israeli war crimes.

As Uzbekistan's jails continue to fill with thousands of prisoners, many of whom, according to the State Department, have been brutally tortured, the council was painfully silent. To be a human rights activist in Uzbekistan is to take one's life in one's own hands, yet the council has continued to shirk its responsibilities by failing to take a stand against these horrific human rights violations.

Rather than taking the regime in Khartoum to task, as the gentlelady, the ranking member of the committee, pointed out, taking Khartoum to task for its brazen and continued support for the janjaweed militias in Darfur, widely acknowledged to be responsible for horrific crimes against Darfurian civilians, the council has issued only a tepid expression of concerns. This shameful record led The Washington Post to describe the council as a ''ludicrous diplomatic lynch mob.'' Even U.N. Secretary General Ban Ki Moon has publicly admonished the council's unwillingness to pursue an evenhanded human rights agenda.

I want to make clear the criticisms I level and others have leveled against the council should in no way be viewed as an indictment of all the work of the United Nations, much of which is indispensable and serves our national interest as well as global peace and security. And while it has not been without its share of mistakes, the U.N., through its countless peacekeeping operations, poverty alleviation efforts and disease prevention programs, has proven to be worth its weight in gold.

We stand here today to criticize the Human Rights Council, which has an obsessed view of one country and only one country in terms of a human rights agenda, because we know that the U.N. can do better than they did in the creation and the rules governing that council.

I ask you to support this resolution because I believe that, while the council is still in its infancy, we can work to maximize the chances that it develops into a respected and forceful champion of human rights, not simply another proxy in the vitriolic campaign against Israel.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very pleased to yield such time as he may consume to the author of this measure, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. I thank the gentlelady from Florida for yielding, and I thank the gentleman from Washington for his support and supportive words about this bill. And most of all, I thank my coauthor in this effort, Mr. BERMAN, my friend and fellow Californian, for his involvement and effort in this bill and this important action.

And I think it is an important action, Mr. Speaker, because, as the three previous speakers have mentioned, it's not like the world is devoid of problems in human rights. It's not like there are not repressive regimes in various places around the world. There is a place for the United Nations to be talking about this, to be dealing with this, to be trying to help this situation; but, unfortunately, this Human Rights Council, which was supposed to be that, is clearly not that.

Now, when this Human Rights Council was formed in 2006 to replace, as Mr. BERMAN pointed out, the discredited U.N. Commission on Human Rights, the then-U.N. General Assembly president, Jan Eliasson, said that the council would be ''principled, effective and fair.'' And during its establishment, the U.N. General Assembly went on to say that this council would be responsible for ''promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind, and in a fair and equal manner.''

Mr. Speaker, I applaud those words. I applaud the basis upon which this council was established. But the facts show that in the year of its existence, it has not followed this directive. As was pointed out, the first three special sessions out of the first nine sessions they had condemned Israel for their possible human rights abuses in the occupied Palestinian territories and Lebanon. The fourth one was a noncondemnatory expression of concern regarding the situation in Darfur.

Now, what about Belarus? What about China? What about Cuba, North Korea, Zimbabwe, Uzbekistan, anywhere else in the world? They have not even had a session to discuss them, not to mention have a mild condemnation or a full condemnation, but multiple condemnations of Israel, and they have now placed Israel on the permanent schedule. Now, that is not a good thing. That means that every meeting they have, they will be discussing what human rights violations are in Israel. But as Mr. BERMAN pointed out, is Uzbekistan even on the calendar? No. Any of these other places even on the calendar? No.

Let's look at some of the members of the Human Rights Council now. Some of the members include Algeria, China, Cuba, Pakistan, Russia and Saudi Arabia. Now, I'm very disappointed that, as it has happened, a group that started out with such a noble cause and noble effort seems to have a complete lack of reasoned objectivity with their obvious inherent discrimination against Israel. And it appears they have become a refuge for human rights abusers to hang out and thereby avoid scrutiny or condemnation of their own actions.

Just this morning, the President was in New York speaking before the United Nations; and amongst the comments that he made was the following: ''Yet the American people are disappointed by the failures of the Human Rights Council. This body has been silent on repression by regimes from Havana to Caracas to Pyongyang and Tehran, while focusing its criticism successively on Israel. To be credible on human rights in the world, the United Nations must reform its own Human Rights Council.''

Mr. Speaker, that's what this bill hopes to begin the process of doing. This Human Rights Council is a sham. It is not accomplishing what it was set out to do, yet the objective for which it was put in place still exists, the need still exists. The United Nations needs a real Human Rights Council, not a cover for those who would abuse human rights.

Mr. SMITH of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me, and I rise in strong support of this resolution.

Yesterday, I was in front of the United Nations in demonstration of protesting Iranian President Ahmadinejad's speaking to the United Nations.

I have always been a strong believer in the United Nations because I think that it is a good hope for world peace; but, frankly, I must say, the U.N. discredits itself, and it discredits itself once again by having this so-called Human Rights Council and the way it operates. And the U.N. really discredits itself by focusing so much hatred on one tiny little country, Israel. Whether it's in the General Assembly or the Security Council or the so-called Human Rights Council, Israel has become about 40 percent of the resolutions in the United Nations totally.

It's absolutely outrageous that you have countries like Algeria, Cuba, Saudi Arabia, Pakistan, China, even Egypt and Russia participating when Israel has such a better record of human rights than any of these countries.

The problem inherent with the United Nations, unfortunately, is you have dictatorships basically running the show. And we try to have a democratic institution, but it's inherently not, because it's dictatorships that are now a majority there.

It is outrageous, the Israel-bashing that goes on at the United Nations, and I am proud of this Congress for standing up and saying that enough is enough. People are dying in Darfur. We don't hear the Human Rights Council be so concerned about that as they are about bashing Israel.

So I strongly support this resolution. I think that the Congress does itself proud by bringing truth to the American people and to the world. And the Human Rights Council is no better than the organization that preceded it. We need to change it, otherwise the U.N. will continue to be discredited.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 557, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1300

SUPPORTING THE GOALS AND IDEALS OF CAMPUS FIRE SAFETY MONTH

Mr. HOLT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 95) expressing the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 95

Whereas in 2006, thirty-one states issued proclamations recognizing September as Campus Fire Safety Month;

Whereas since January 2000, at least 113 people, including students, parents, and children have died in student housing fires;

Whereas over three-fourths of these deaths have occurred in off-campus occupancies;

Whereas a majority of the students across the Nation live in off-campus occupancies;

Whereas a number of fatal fires have occurred in buildings where the fire safety systems have been compromised or disabled by the occupants;

Whereas it is recognized that automatic fire alarm systems provide the necessary early warning to occupants and the fire department of a fire so that appropriate action can be taken;

Whereas it is recognized that automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of the building's occupants;

Whereas many students are living in off-campus occupancies, Greek housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems;

Whereas it is recognized that fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting loss of life and property damage;

Whereas students are not routinely receiving effective fire safety education throughout their entire college career;

Whereas it is vital to educate the future generation of our Nation about the importance of fire safety behavior so that these behaviors can help to ensure their safety during their college years and beyond; and

Whereas by developing a generation of fire-safe adults, future loss of life from fires can be significantly reduced: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Campus Fire Safety Month;

(2) encourages administrators and municipalities across the country to provide educational programs to all students during September and throughout the school year; and

(3) encourages administrators and municipalities to evaluate the level of fire safety being provided in both on- and off-campus student housing and take the necessary steps to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems and the development and enforcement of applicable codes relating to fire safety.

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

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 95 into the RECORD.

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

There was no objection.

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

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

Mr. HOLT. Mr. Speaker, I rise today to express support for the goals and ideals of Campus Fire Safety Month, introduced by the representative from Ohio, Mrs. STEPHANIE TUBBS JONES. Campus fire safety is an important issue for students all over the country. Since January of 2000, at least 113 young people have died in student housing fires. These unfortunate deaths may have been prevented by better education of fire safety measures and implementation of effective prevention systems.

In my own State of New Jersey, early on January 19, 2000, a fire killed three students and injured 58 others at Seton Hall University. Over 75 percent of these fatalities around the country have occurred in off-campus housing. It should be a priority to make sure that all students are aware of fire safety information, especially those students who do not live in on-campus housing. Fire safety training should be a continuing process so that our Nation's young people practice fire safety throughout their lives.

As we send our Nation's students off to campuses this month to further their education, it is essential that they are in safe environments. Simple steps such as testing smoke detectors and having a working and accessible fire extinguisher can help keep our students safe. By recognizing September as Campus Fire Safety Month, this resolution will help bring awareness to such simple and critical measures to protect students from fire hazards.

Mr. Speaker, the knowledge and skills learned through fire safety training are invaluable for everyone. I would like to encourage administrators and municipalities across the country to provide educational programs to all students during September and throughout the school year.

Mr. Speaker, I urge my colleagues to pass this resolution.

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

Mr. KLINE of Minnesota. Mr. Speaker, I rise today in support of H. Res. 95, a measure to support the goals and ideals of Campus Fire Safety Month. We passed a similar resolution last Congress promoting the establishment of September as Campus Fire Safety Month. Since that time, 31 States have issued proclamations recognizing September as Campus Fire Safety Month.

Our Nation's college students should be able to live on campus with the confidence that they will be safe in their dorms, apartments or other housing. This measure will take a key step toward ensuring greater awareness of campus fire prevention and safety. I

thank my colleagues, Representatives TUBBS JONES and WHITFIELD, for taking the lead on this important topic.

There are numerous examples nationwide that demonstrate a renewed commitment to campus fire safety. In my home State of Minnesota, the University of Minnesota system equips dorms with smoke detectors and is working now to ensure that residence halls and individual dormitory rooms have sprinkler systems. They use flame-resistant mattresses and other materials to provide students with the safest furniture available. In another example, New York State Office of Fire Prevention and Control trains college officials and distributes materials that can be used in training college students on campus fire safety. These are just two examples of the good work being done at the State level to increase awareness of fire safety on college campuses.

The legislation before us today is sure to raise awareness even further. This is not the first time that campus safety has been discussed in the House. In the 109th Congress, we passed the College Access and Opportunity Act which endorsed an effort to ask colleges and universities to report annually on fire safety efforts. The report would include information such as a list of all student housing facilities and whether or not each is equipped with a sprinkler system or other fire safety system, statistics on occurrences of fires and false alarms, information on various fire safety rules and regulations, and information about training provided to students, faculty and staff. Moreover, the measure asks schools to keep a publicly available log of all on-campus fires and false alarms.

Mr. Speaker, I urge my colleagues to join me in supporting this resolution today.

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

Mr. HOLT. I appreciate the remarks of the gentleman from Minnesota. May I ask if he has any further speakers?

Mr. KLINE of Minnesota. I have no further speakers. I yield back the balance of my time.

Mr. HOLT. Mr. Speaker, as the gentleman from Minnesota has said, we are safer, students in dormitories and off-campus housing are safer than they were 6, 8 years ago. We have learned things to do. In this case, we know what to do. The education should be carried forward. Designation of this awareness month will help in that educational effort.

Mr. Speaker, I urge my colleagues to support enthusiastically this measure.

Mrs. JONES of Ohio. Mr. Speaker I rise today in support of H. Res. 95, a bipartisan resolution that I, along with Mr. WHITFIELD, introduced to establish September as Campus Fire Safety Month.

This legislation encourages administrators and municipalities across the country to provide educational programs to all students during September and throughout the school year on fire safety.

Additionally, the resolution calls for evaluation of the level of fire safety being provided in both on- and off-campus student housing and taking the necessary steps to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems and the development and enforcement of applicable codes relating to fire safety.

In June, the Senate adopted a similar resolution, sponsored by Senator JOE BIDEN, that also encourages campus fire safety across the Nation.

Nationwide, 113 people have been killed in student housing since January 2000, as identified by the Center for Campus Fire Safety, a nonprofit organization that compiles information on campus-related fires. Almost 80 percent of the fire fatalities have occurred in off-campus occupancies such as rented houses and apartments. Common factors in a number of these fires include: lack of automatic sprinklers, disabled smoke alarms, careless disposal of smoking materials, and alcohol consumption. According to the center, April and May, followed by August and September, are the two most dangerous periods of time for student housing fire fatalities. So far 31 States have issued proclamations declaring September as Campus Fire Safety Month. Historically, September is one of the most fatal months for campus fires, but for the first time since 2000 there were no fatalities last September.

H. Res. 95 is supported by the Center for Campus Fire Safety, National Electrical Manufacturers Association, Congressional Fire Services Institute, National Fire Protection Association, International Association of Fire Chiefs, International Association of Fire Fighters, National Fire Sprinkler Association, International Code Council, Society of Fire Protection Engineers, International Association of Fire Marshals.

For the past few Congresses I have introduced H.R. 642, known as the College Fire and Prevention Act. This legislation would establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing or dormitories, and for other purposes. The Congressional Fire Services Institute, the National Fire Sprinkler Association and the American Fire Sprinkler Association have endorsed this fire prevention legislation.

Fire safety and prevention is an issue that needs to be addressed across this country. Over these few years we have seen many tragedies involving fire at colleges, places of business, entertainment venues and places of residence. We must begin to put in place suppression measures against fires and increase support and resources for our fire fighters to ensure that no more lives are lost to fires that could have been prevented. I am pleased to say that this institution adopted this resolution in the 109th Congress and will do so again today. It is encouraging that we remain committed to bringing awareness to this issue in order to prevent more needless deaths of our students.

I encourage my colleagues to pass this legislation so that we can increase awareness about this problem that affects us all.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and agree to the resolution, H. Res. 95, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RELIGIOUS TOLERANCE IN NATIONAL HIGH SCHOOL MOCK TRIAL CHAMPIONSHIP

Mr. HOLT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 25) calling on the Board of Directors of the National High School Mock Trial Championship to accommodate students of all religious faiths.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 25

Whereas religious intolerance and discrimination continue to be the root causes of many of the conflicts around the world;

Whereas the United States of America was founded by those seeking to practice their religion freely, and the American justice system, including all legal professionals involved, should be working to uphold this principle;

Whereas the First Amendment to the Constitution states that ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances'';

Whereas section 1 of the Fourteenth Amendment to the Constitution states, ''All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.'';

Whereas the National High School Mock Trial Championship has been, until this date, a prestigious event that requires a tremendous amount of preparation, skill, and dedication on behalf of those students who are competing, and is looked upon with distinction by institutions of higher learning;

Whereas the National High School Mock Trial Championship is a program based on constitutional law;

Whereas the sponsor of the 2005 competition stated that, ''The National High School Mock Trial Championship is a participatory program that engages students, legal professionals and the educational community to advance the understanding of the American justice system and the important role of lawyers. A well-educated public translates into a more engaged citizenry that is better equipped and more interested in fulfilling their civic responsibilities'';

Whereas the National High School Mock Trial Championship espouses the goals of heightening ''appreciation of the principle of equal justice for all'' and promoting the ''exchange of ideas among students from throughout the United States'';

Whereas the usual National High School Mock Trial Championship schedule consists of two rounds on Friday and two rounds on Saturday, followed by a Championship round on Saturday;

Whereas the Torah Academy of Bergen County of Teaneck, New Jersey, won the 2005 New Jersey State Bar Foundation High School tournament, and was eligible to compete in the National High School Mock Trial Championship;

Whereas the members of the mock trial team from Torah Academy observe the Sabbath, in accordance with their practice of Orthodox Judaism, and would not have been able to participate in any National High School Mock Trial Championship competitions from sundown on Friday through sundown on Saturday without certain accommodations;

Whereas satisfactory accommodations were made to allow Torah Academy of Teaneck, New Jersey, to compete during the last National High School Mock Trial Championship held in Charlotte, North Carolina, from May 5–7, 2005, without violating the religious practices of the students;

Whereas a review of the post-host report compiled after the 2005 Championship showed a majority of the comments supported the accommodations made for the Torah Academy students and the benefit of competing with the Torah Academy students;

Whereas one respondent replied, ''the compromise demonstrated fairness, tolerance and problem-solving, all values that I try to encourage in my students'';

Whereas the Board of Directors of the National High School Mock Trial Championship voted on October 15, 2005, to refuse any future accommodations for students who observe Sabbath on Friday and/or Saturday;

Whereas students who have otherwise met all of the criteria to participate in the qualifying competitions leading to the National High School Mock Trial Championship should be able to compete regardless of their religious affiliation;

Whereas the Board of Trustees of the New Jersey State Bar Foundation unanimously voted at its October 27, 2005, meeting that New Jersey will not compete in the National High School Mock Trial Championship unless the National Board establishes a policy permitting accommodation for religious observance;

Whereas on January 6, 2006, the North Carolina Academy of Trial Lawyers also officially withdrew from participating in the National High School Mock Trial Championship because the National Board would not make changes to the competition's schedule to accommodate students with religious restrictions;

Whereas the decision of the Board of Directors of the National High School Mock Trial Championship to refuse any future accommodations for students who observe their Sabbath on Friday and/or Saturday adversely and wrongly impacts observant Jewish, Muslim, and Seventh-Day Adventist students;

Whereas the decision made by the Board of Directors of the National High School Mock Trial Championship is inconsistent with the spirit of freedom of religion or equal protection; and

Whereas all students should be allowed to both compete fully in the National High School Mock Trial Championship and uphold the practice of their religion: Now, therefore, be it

Resolved, That the House of Representatives—

(1) calls on the Board of Directors of the National High School Mock Trial Championship to accommodate the religious beliefs of students participating in the competition; and

(2) urges the Board of Directors of the National High School Mock Trial Championship to restructure the rules of the competition to allow qualifying students of all faiths to compete fully in this national championship without betraying their religious beliefs.

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

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 25 into the RECORD.

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

There was no objection.

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

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

Mr. HOLT. Mr. Speaker, I rise in support of H. Res. 25, a resolution that calls on the National High School Mock Trial Championship board of directors to make provisions in the championship schedule to accommodate the religious faiths of all potential students and participants. This legislation was introduced by Mr. ROTHMAN, my colleague from New Jersey, who has worked diligently on this issue to see that fairness and tolerance prevails.

The National High School Mock Trial Championship is a competition between winning high schools on a national level designed to showcase bright and talented high school students. The event requires intense preparation, skill and dedication for those who reach the high level of competition. The current championship takes place on weekends. There are two rounds on Friday, two rounds on Saturday, and a championship round that occurs later on Saturday.

In 2005, just a couple of years ago, this schedule caused an imposition to a team in that competition. The Torah Academy of Teaneck, New Jersey was scheduled to participate after winning the 2005 New Jersey State Bar Foundation high school tournament. Now, this school, without proper accommodation, would not have been able to compete because of their orthodox religious practice to observe the Sabbath from sundown on Friday until sundown on Saturday. In that instance, the board of the competition made a proper accommodation for the students' religious faiths. The team was able to compete in May of that year. Those who took part in that competition recognized that the adjustment made by the board showed fairness and tolerance, and it was a good way to approach a problem. All participating applauded the board for doing so. However, the board later voted to refuse any future accommodations for students who observe the Sabbath on Friday or Saturday. The vote carried and signified a rejection of participation for all future participants with religious prohibitions, religious practices that may require accommodation.

Well, a number of legal organizations then withdrew their participation and support for the National High School Mock Trial Championship pointing to this act of the board of directors that quite clearly undermines free religious spirit, the kind of spirit on which this country was based. It is not without irony that this was applied in a competition that is intended for legal and constitutional education.

The resolution before us today from Mr. ROTHMAN and cosponsored by a number of us calls on the mock trial championship to recognize the diverse religious views and practices in this country and to restore its rules in order to accommodate excellent students of all faiths. I commend Mr. ROTHMAN for pursuing this. We hope that this can be resolved in a way that is most inclusive and in the spirit, the constitutional spirit, of equality of religious practice in this country.

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

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 25. I thank my colleague for his opening remarks. This resolution calls on the board of directors of the National High School Mock Trial Championship to accommodate students of all religious faiths. Among our most basic human rights, the right to follow one's conscience in matters of religion and belief, is undoubtedly one of the most cherished, so much so that people have been willing to endure the severest trials and even to lay down their lives rather than surrender this fundamental right.

Throughout history, men and women of religion have fought for the natural right of all individuals to practice their own faith and beliefs free from harassment, suppression and persecution. One can also point to many shining examples of established religions tolerating each other's beliefs and practices. The National High School Mock Trial Championship, which is based on constitutional law, is a prestigious event that requires a tremendous amount of preparation, skill and dedication on behalf of those students who are competing. The competition espouses the goals of heightening ''appreciation of the principle of equal justice for all'' and promoting the ''exchange of ideas among students from throughout the United States.''

This participatory program engages students, legal professionals and the

educational community to advance the understanding of the American justice system and the important role of lawyers. I have to admit sometimes that I have a prejudice against some of my lawyer friends. Nevertheless, they are clearly an integral part of our system of the rule of law and justice for all.

On October 15, 2005, the board of directors of the National High School Mock Trial Championship voted to refuse any future accommodations for students who observe the Sabbath on Friday and/or Saturday. This decision of the board of directors to refuse any future accommodations adversely and wrongly impacts observant Jewish, Muslim and Seventh Day Adventist students and is inconsistent with the spirit of freedom of religion and equal protection guaranteed by our Constitution.

□ 1315

During the 2005 championships, satisfactory accommodations were made to allow Torah Academy of Teaneck, New Jersey, to compete at the National High School Mock Trial Championship held in Charlotte, North Carolina. A review of the post-host report compiled afterward showed a majority of the comments supported the accommodations made for the Torah Academy students and the benefit of competing with the Torah Academy students.

I think that is an important point in this debate. All the other participants, even recognizing the challenge from a significant competitor, thought this was the right thing to do. One respondent replied, ''The compromise demonstrated fairness, tolerance and problem-solving, all values that I try to encourage in my students.''

The simple fact is that all students should be allowed to both compete fully in the National High School Mock Trial Championship and uphold the practice of their religion. We stand here today calling the National Board of Directors to accommodate the religious beliefs of students participating in the competition and urge the Board of Directors of the National High School Mock Trial Championship to restructure the rules of the competition to allow qualifying students of all faiths to compete fully in this national championship without betraying their religious beliefs.

I thank my colleague, Mr. ROTHMAN, for bringing this matter to the floor today, and I ask my colleagues to support this resolution.

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

Mr. HOLT. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from New Jersey (Mr. ROTHMAN), the author of this resolution.

Mr. ROTHMAN. Mr. Speaker, first let me thank my distinguished friend and colleague, Mr. HOLT from New Jersey, for his leadership on this issue and his support from the very beginning. It was critical. I am most grateful, as are all the students who will now be able to participate.

I also would like to thank my friend and colleague from Minnesota (Mr. KLINE) for his kind remarks and his support of this resolution, which will bring fairness and restore a sense of equal justice under the law to a program we are hopeful has the potential to provide valuable lessons to all our students.

Mr. Speaker, in 2005 there was a National High School Mock Trial Championship competition all over America, just like there has been for many years. There were literally hundreds of schools in New Jersey, as there are hundreds of schools in other States, participating in this competition, and, by the way, hundreds of schools, public schools, private schools.

That year, in 2005, the Torah Academy, an Orthodox Yeshiva located in Teaneck, New Jersey, won the New Jersey State championship. And they won the right to represent our beloved Garden State in the National High School Mock Trial Championship.

How awful it was for them to learn that if they had proceeded in the competition to the semifinals and finals, they wouldn't be able to participate because the semifinals and finals had been scheduled on a Saturday, on their Sabbath.

When we went to the National High School Mock Trial Championship, they were at first very reluctant to accommodate these students, although every conceivable reason that they might have, they had to get more buses, move people from one place to another, would have been accommodated and provided for them. In the end, they did the right thing, and they allowed these students to participate. All they did was move the championships then to Sunday instead of Saturday, without objection from anyone.

As my colleague from Minnesota has said, the results of the inclusion of these students not only demonstrated fairness, tolerance and problem-solving, but was a demonstration to all those involved, particularly the young people, that accommodations for religious practice, when reasonable, should be put into place.

But the decision of the board of this National High School Mock Trial Championship to never again permit such an accommodation, whether it be an Orthodox Jewish school or a Muslim school or a Seventh Day Adventist school, was wrong, and we couldn't talk them out of it. The question was how to impress upon them that this was un-American and that the Congress of the United States wouldn't stand for it. That is why we drafted this resolution.

Remember, these are students who played by the rules, were eligible to participate, competed, and won in their State championships, all according to the rules. The organization in fact demonstrated that they could accommodate these students without any problems whatsoever, and, in fact, with a very positive result.

That is why I urge all the Members of the House to join me and my distinguished colleagues in supporting House Resolution 25, to express our body's strong disapproval of the decision made by the board of the National Mock Trial Championship not to make any attempt in the future to accommodate students of all faiths in future events.

You know, the most important purpose of this mock trial championship was to teach about the rule of law; and part of our rule of law here in America is equal justice under the law, no matter where you come from, what your religion is, as well as equal access to the law. As we pride ourselves on these values, it is important for the United States House of Representatives to pass this resolution to convey in the strongest terms its hope that the National High School Mock Trial Championship Board will revisit its decision to deny accommodations for students who observe the Sabbath on Friday and Saturday, and instead schedule future competitions in such a way that enable all eligible students to participate, regardless of their religion.

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

I was sitting here listening to my distinguished colleagues speak and looking at my own notes, and, again, I just find it incredible that you have this wonderful competition which espouses the goals of heightening the appreciation of the principle of equal justice for all stated, a stated goal, and yet it couldn't make accommodation to respect the religious beliefs and practices of the competitors.

Again, I urge all my colleagues to join in support of this resolution.

Mr. Speaker, I have no further speakers, and I yield balance the balance of my time.

Mr. HOLT. Mr. Speaker, I yield an additional 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I did want to point out that good people have not stood silently during all of this. Both the New Jersey State Bar Association and the North Carolina Academy of Trial Lawyers have withdrawn from the National High School Mock Trial Championships and have established their own mock trial competition, which ensures that all students, regardless of affiliation, religious affiliation, can participate in every aspect of the annual contest.

I commend these organizations. That may be the direction to go, to ask people of all good will to remove themselves from the National High School Mock Trial Championships if they will not accommodate students of all religions who are otherwise eligible to participate. I hope it doesn't come to that, but so far the board of the National High School Mock Trial Championship has not been willing to accommodate all these students.

Mr. HOLT. Mr. Speaker, I wish this resolution were not necessary, but maybe we should welcome this and embrace it as a teachable moment, not only to understand the religious tenets, practices, and traditions of various people in this country, but also to understand what it means to say we are a Nation dedicated to the proposition that all are equal.

No one said that the freedoms we cherish need be convenient. They do require from each of us, from time to time, accommodation, even inconvenience. This is a teachable moment, an important lesson in tolerance, equality and, yes, accommodation.

I thank the gentleman from New Jersey (Mr. ROTHMAN) for bringing this forward, and I urge my colleagues to support this.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and agree to the resolution, H. Res. 25.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

STUDENT FINANCIAL ASSISTANCE DURING A WAR OR OTHER MILITARY OPERATION

Mr. SESTAK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3625) to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3625

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

SECTION 1. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Higher Education Relief Opportunities for Students Act of 2003 addresses the unique situations that active duty military personnel and other affected individuals may face in connection with their enrollment in postsecondary institutions and their Federal student loans; and

(2) the provisions authorized by such Act should be made permanent, thereby allowing the Secretary of Education to continue providing assistance to active duty service members and other affected individuals and their families.

SEC. 2. PERMANENT EXTENSION OF WAIVER AUTHORITY.

The Higher Education Relief Opportunities for Students Act of 2003 (Public Law 108–76; 20 U.S.C. 1070, note) is amended by striking section 6.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SESTAK) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SESTAK. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H.R. 3625 into the RECORD.

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

There was no objection.

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

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

Mr. SESTAK. Mr. Speaker, I rise today in support of H.R. 3625, an act to permanently extend waiver authority to the Secretary of Education with respect to enrollment in post-secondary institutions and student financial assistance during a period of combat or national emergency.

This legislation recognizes the unique and unexpected situations that military personnel face when called to active duty to serve our country, as well as situations that many face in times of a national emergency, even here at home.

The intent of this legislation is simple: to provide the Secretary of Education with the permanent authority to ensure that active duty military personnel are not financially harmed by the service that they perform.

The Secretary is thereby granted the authority to take necessary actions which include, first, protecting borrowers from further financial difficulty when they are called to serve. This will ensure that when a student withdraws from college because of his or her status as an individual called up for service, Guard, Reserve or active, or, if they are affected by a disaster, that the requirement that grant overpayments be repaid would be waived, and collection activities on a defaulted education loan may be halted for the time period during which a borrower is serving.

Second, minimizing administrative requirements without impacting the integrity of the Federal Student Aid program. So, for instance, certain requests that previously required written documentation may now be made orally by an affected individual or member of the borrower's family when that member may actually be, while applying for school, actually in conflict overseas.

Third, adjusting the calculation used to determine students' eligibility for aid for those whose financial circumstances change because the student or his or her parents are called to serve, such as when a parent was about to give a large contribution to the son's education, is suddenly called up in the National Guard, and is unable to make that commitment.

This bill, therefore, encourages financial aid administrators to choose to use professional judgment as the proper method of determining financial need that is most beneficial to an affected individual and to his or her family; for instance, taking into account the most favorable tax period for the student's or the parents' recording period in order to be assessed on that year's tax recording period, a grant or aid.

Mr. Speaker, I thank my colleague Mr. KLINE for his leadership on this legislation in past Congresses and for the flexibility that our men and women in the service have received because of you. These provisions have been critical to our men and women serving in Iraq, Afghanistan and elsewhere. In addition, these provisions will provide critical relief to those who answer the call to serve in the future, including responding to national emergencies and natural disasters.

I am also pleased with the additional relief provided to men and women in uniform in the College Cost Reduction and Access Act, which is currently waiting for the President's signature. That piece of legislation included necessary provisions that recognize military service by allowing those called to service to serve on active duty, including National Guard and Reservists, to defer payments on their student loans not only while serving but for a period of time after leaving active duty.

Because of unforeseen national emergencies, such as Hurricane Katrina, as well as our continued military engagement overseas, it is important that we pass the legislation before us and allow the Secretary of Education to continue providing this needed relief. Without prompt passage of H.R. 3625, the Secretary's authority to provide this flexibility will expire at the end of this week. It is critical not only for those currently receiving relief from unnecessary financial burden while sacrificing for our country, but also for those who will serve our country in the future, that these provisions be made permanent.

I urge my colleagues to pass the resolution.

□ 1330

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

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of permanently extending the Higher Education Relief Opportunities for Students Act of 2003, or HEROES. This extension will ensure that all of our men and women serving in the military will always receive the flexibility they need in dealing with their student loans and post-secondary education commitments.

Mr. Speaker, I have championed this act since coming to Congress, and support for this legislation has always transcended party lines. I appreciate that Members on both sides of the aisle have joined together once again this year. I would like to thank senior Republican Member MCKEON and Chairmen MILLER and HINOJOSA for their continued support for higher education and this legislation. And I extend my

personal thanks to the gentleman from Pennsylvania (Mr. SESTAK) with his many years of distinguished naval service for joining me in this effort to protect the higher education interest of members of the Armed Forces.

The HEROES Act will ensure support for military personnel by continuing to allow the U.S. Secretary of Education to provide the appropriate assistance and flexibility to men and women in uniform as they transfer in and out of post-secondary education during time of war. I must say, this has worked very well and successfully, giving the Secretary the flexibility, but we in Congress need to provide that flexibility.

Throughout our involvement in this war on terrorism, many thousands of men and women who serve our Nation in the Reserves or National Guard have been called to active duty. Many of these men and women are also college and university students who are called away from their families, class work and studies to defend the Nation. Unfortunately, due to a number of restrictions in the Higher Education Act, these individuals are at risk of losing financial assistance and educational credit as a result of their service. Such a scenario is clearly not acceptable.

The HEROES Act provides assurance to our men and women in uniform that they will not face education-related financial or administrative difficulties while they defend our Nation.

This bill is specific in its intent to insure that, as a result of a war or military contingency operation or national emergency, our men and women in uniform are protected. By granting flexibility to the Secretary of Education, the HEROES Act will protect recipients of student financial assistance from further financial difficulty generated when they are called to serve, minimize administrative requirements without affecting the integrity of the programs, adjust the calculation used to determine financial need to accurately reflect the financial condition of the individual and his or her family, and provide the Secretary with the authority to address issues not yet foreseen.

I think all of us recognize the absurdity of a young man or woman being deployed to a foreign shore, Iraq, Afghanistan, the Horn of Africa, while they are a student and getting in financial difficulties because of that service.

I am pleased to offer this legislation which provides a permanent extension of the HEROES Act. By permanently extending this act, we not only send a strong message of support to our troops, but we also provide them with the peace of mind that this program will continue throughout the duration of their current or any subsequent deployment.

The legislation before us today is an indication of Congress's commitment to our military, our students, our families and our schools. I urge my colleagues to stand in strong support of the HEROES Act and join me in voting ''yes'' on H.R. 3625.

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

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

Mr. KLINE of Minnesota. Mr. Speaker, I am very pleased to yield such time as he may consume to the ranking Republican member on the House Education and Labor Committee, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of this bill to support our brave student soldiers.

The men and women of the Armed Forces give selflessly to defend our freedom overseas and respond to emergencies here at home. Some of them are also students pursuing the dream of a college education, just like millions of other Americans. These military personnel volunteer to put their educational pursuits on hold so they can serve the Nation. We owe them a debt of gratitude, and the least we can do is make their transition to and from education as seamless as possible.

I would like to recognize the gentleman from Minnesota (Mr. KLINE) for his long-standing commitment to the legislation before us. He had an outstanding career with the U.S. Marine Corps before coming to Congress, and I want to thank him also for his service there. He has championed passage of this bill on a temporary basis since 2003, and he is here today supporting a permanent extension of this measure to ensure members of the military will always be afforded the flexibility and support they need.

This bill has always received support from our friends on the other side of the aisle, and I am pleased to have key members of the Education and Labor Committee joining us in introducing legislation to extend the flexibility and waiver authority in this bill. I want to thank Chairmen MILLER and HINOJOSA, along with Mr. SESTAK, who also had a very distinguished career in the Navy, and it is good to see Navy and Marines still working together, for introducing legislation that as we propose makes this legislation permanent.

The men and women of our Armed Forces have made considerable sacrifices for our Nation, and for that we are grateful. As members of the Education Committee, we also recognize the importance of a higher education system that is accessible. What this bill does is allow the Secretary of Education to accommodate the unique needs of our student soldiers so that higher education remains flexible and accessible while they serve our country.

Once again, I would like to thank Representative KLINE for his leadership and recognize our friends on the other side of the aisle for their continued support of this legislation. I strongly support the permanent extension of the HEROES Act to support the many heroes protecting our freedom, and I urge my colleagues to join me in voting ''yes.''

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

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

I thank my friend and colleague, the gentleman from Pennsylvania (Mr. SESTAK), for stepping into the breach here and providing the leadership he has provided on this important legislation, and urge all of my colleagues to get behind this legislation and let's vote ''yes'' and permanently extend this flexibility.

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

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

As the gentleman from California (Mr. MCKEON) has said, I am privileged to stand up here as a former Navy officer with someone who has served so well in the U.S. Marine Corps. Someone has said that the Navy without the Marine Corps is like a coat without buttons. So it is a great bipartisan effort here on what I think is an instrumental bill.

As Mr. KLINE knows, and why he has worked on this so assiduously over the years, when you lead men and women in combat, what you most want them to have is their head in the game. You don't want them looking back at some problems at home, at debt at home that is hurting their families, nor do you want them looking ahead into some type of future that they want to have. Their safety and the safety of their brethren, the men and women standing on either side of them, depends upon them having their head in the game. That is why this bill is so very important.

It is extremely important now in Iraq and Afghanistan. I compare the men and women out there and having their head in the game compared to those great patriots of the world's greatest generation, World War II. Back in World War II, the average soldier was in combat 182 days. There were horrific battles from Guadalcanal to Iwo Jima to the Battle of the Bulge, but there was dwell time in between those great battles. Our soldiers, our marines over there in Iraq and Afghanistan go outside the wire every day for 15 months. There is unremitting strain upon them. In order to have a measure of relieving that, I am proud to stand beside you, sir, on this bill.

I urge my colleagues to do what is important, recognize the bipartisan approach of this and recognize that this is the way to take care of our troops.

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

The SPEAKER pro tempore (Mr. BLUMENAUER). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SESTAK) that the House suspend the rules and pass the bill, H.R. 3625.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mrs. MCCARTHY of New York. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 590) supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should raise awareness of domestic violence in the United States and its devastating effects on families and communities, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 590

Whereas one in four women will experience domestic violence sometime in her life;

Whereas domestic violence affects men, women, and children of all ages, racial, ethnic, economic, and religious backgrounds;

Whereas women ages 16 to 24 experience the highest rates, per capita, of intimate partner violence;

Whereas 13 percent of teenage girls who have been in a relationship report being hit or hurt by their partners and one in four teenage girls has been in a relationship in which she was pressured into performing sexual acts by her partner;

Whereas there is a need for middle schools, secondary schools, and post-secondary schools to educate students about the issues of domestic violence, sexual assault, dating violence, and stalking;

Whereas the annual cost of lost productivity due to domestic violence is estimated as $727,800,000 with over $7,900,000 paid workdays lost per year;

Whereas homicides were the second leading cause of death on the job for women, with 15 percent of the 119 workplace homicides of women in 2003 attributed to a current or former husband or boyfriend;

Whereas landlords frequently deny housing to victims of domestic violence who have protection orders or evict victims of domestic violence for seeking help, such as by calling 911, after a domestic violence incident or who have other indications that they are domestic violence victims;

Whereas 92 percent of homeless women experience severe physical or sexual abuse at some point in their lifetimes;

Whereas Americans suffer 2,200,000 medically treated injuries due to interpersonal violence annually, at a cost of $37,000,000,000 ($33,000,000,000 in productivity losses, $4,000,000,000 in medical treatment);

Whereas people aged 15 to 44 years comprise 44 percent of the population, but account for nearly 75 percent of injuries and 83 percent of costs due to interpersonal violence;

Whereas 40 to 60 percent of men who abuse women also abuse children;

Whereas male children exposed to domestic violence are twice as likely to abuse their own partners;

Whereas children exposed to domestic violence are more likely to attempt suicide, abuse drugs and alcohol, run away from home, and engage in teenage prostitution;

Whereas adolescent girls who reported dating violence were 60 percent more likely to report one or more suicide attempts in the past year;

Whereas 13.7 percent of the victims of murder-suicide cases were the children of the perpetrator and 74.6 percent were female while 91.9 percent of the perpetrators were male; in 30 percent of those cases the male perpetrator also committed suicide;

Whereas a 2001 study by the Centers for Disease Control and Prevention (CDC) on homicide among intimate partners found that female intimate partners are more likely to be murdered with a firearm than all other means combined;

Whereas according to one study, during court ordered visitation, five percent of abusive fathers threaten to kill their spouses, 34 percent of abusive fathers threaten to kidnap their children, and 25 percent of abusive fathers threaten to physically hurt their children;

Whereas homicide is the third leading cause of death for Native American women and 75 percent of Native American women who are killed are killed by a family member or an acquaintance;

Whereas 88 percent of men think that our society should do more to respect women and girls;

Whereas men say that the entertainment industry, government leaders and elected officials, the sports industry, schools, colleges and universities, the news media and employers should be doing more to prevent intimate partner violence;

Whereas there is a need to increase funding for programs carried out under the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005), Public Law 109–162, aimed at intervening and preventing domestic violence in the United States; and

Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Domestic Violence Awareness Month; and

(2) expresses the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentleman from Minnesota (Mr. KLINE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 590 into the RECORD.

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

There was no objection.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

(Mrs. MCCARTHY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MCCARTHY of New York. Mr. Speaker, today I want to call attention to the fact that October is Domestic Violence Awareness Month, as first declared by Congress in 1998, and I also would like to thank the gentleman from Texas (Mr. POE) for bringing this forward through the Education Committee.

Throughout October, thousands of groups hold events to bring awareness to the violence that affects millions of men, women and children in our country every single year. The positive effect of this advocacy has increased community awareness about domestic violence.

Increased knowledge about domestic violence and the services available helps victims seek help, holds abusers accountable, and helps children live in homes where violence is not condoned. In addition to recognizing October as Domestic Violence Awareness Month, our Congress has recognized that domestic violence is a serious crime by passing laws such as the Family Violence Prevention and Services Act, the Victims of Crime Act and the Violence Against Women Act.

Preventing domestic violence is critical in addressing and breaking the cycle of violence. And it is a cycle. Whether the violence is found in a dating situation or in married life, the strongest risk factor of violent behavior continuing from one generation to the next is if children are witnessing this violence. Evidence shows that children who witness domestic violence at home are more likely to engage in violent behavior, do poorly in school, use drugs and alcohol, and at an early age engage in risky sexual behavior and develop mental illness issues.

Domestic violence adversely affects the workplace by negatively impacting the victim's health and safety, decreasing employee productivity, and increasing health care costs.

A Bureau of Labor Statistics national survey found that 21 percent of full-time employed adults were the victims of domestic violence.

Congress must continue to lead in making our Nation aware of domestic violence and its impact on our society. We must assist the men, women and children affected by domestic violence while prosecuting this as a crime.

In my district in Nassau County, there were over 5,000 domestic violence hotline calls last year, and 2,700 domestic violence victims received services other than hotline calls. They received counseling, legal and residential and nonresidential services. But, unfortunately, we did not reach all of them. There is still much work to be done.

During October, the Nassau County Coalition Against Domestic Violence will do its part in reaching the community through trainings with the police department, medical staff, students in social work programs, and public safety announcements.

Mr. Speaker, clearly we need to work with the men and women of this Nation to educate them on what domestic violence is, the impact upon society and how to stop it in each community. It affects our children and it affects our community. It affects all of us.

I hope that my colleagues will support this resolution and the work being done in their communities and across the Nation to raise awareness of and break the cycle of domestic violence.

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

Mr. KLINE of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 590, supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should raise awareness of domestic violence in the United States and its devastating effects on families and communities.

October is National Domestic Violence Awareness Month and is recognized as such in communities across the country. This designation helps to focus public attention on this widespread and devastating crime.

The problem of domestic violence is centuries old, and our attention to the matter has grown, but we need to do more to raise awareness of this problem.

□ 1345

One in every four women will experience domestic violence in her lifetime. Boys who witness domestic violence are twice as likely to abuse their partners and children when they become adults. The cost of intimate partner violence exceeds $5.8 billion each year. As evidenced by these staggering statistics, domestic violence has far-reaching effects on society.

Domestic violence is the willful intimidation, assault, battery, sexual assault and/or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic that affects men, women and children in every community regardless of age, economic status, religion, nationality, educational background, or gender.

When we think of domestic violence, we often think of women being the victims. However, men are victimized by violence as well. Male victims are less likely than women to report violence and seek services due to concerns over the stigma associated with being a male victim, or not being believed. Both men and women experience the same dynamics of interpersonal violence including experiences of disbelief, ridicule, and shame that only enhance their silence.

Unfortunately, the youngest victims are the children who witness the abuse. Research has shown that children witnessing domestic violence and living in an environment where violence occurs may experience some of the same trauma as abused children. They may become fearful, aggressive, or withdrawn. Adolescents may act out or exhibit risk-taking behaviors such as drug and alcohol use, running away, sexual promiscuity, and criminal behavior. All of this behavior has an effect on society as a whole, and we must continue to keep domestic violence in the forefront so this cycle can be broken now.

Domestic violence harms the victim, children, the abuser and the entire health of American families and communities. Nearly 20 years ago, Congress passed legislation recognizing the first Domestic Violence Awareness Month. Designating October as National Domestic Violence Awareness Month allows organizations and communities concerned about domestic violence to leverage this public recognition for activities that raise awareness and link victims to services.

In our role as Members of Congress, we can help galvanize public awareness for the victims of domestic violence. Therefore, I urge my colleagues to support H. Res. 590.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2 minutes to my colleague from California (Mr. COSTA) who has been an outspoken person against domestic violence.

Mr. COSTA. Mr. Speaker, I thank the gentlewoman for yielding, and I want to thank her for her strong advocacy on behalf of victims of crime and her long history in being a tenacious fighter on behalf of the families throughout our country.

Mr. Speaker, I rise, as a cochair of the bipartisan Victims Rights Caucus, along with Congressman TED POE, and speak on behalf of all the members of that caucus today to provide strong support for H. Res. 590, which supports the goals and ideals of National Domestic Violence Awareness Month, which occurs every October. These goals and efforts are spelled out among the principles of what the Victims Rights Caucus advocates here in the House.

Next month, communities throughout the Nation will participate in National Night Out and Take Back the Night marches in order to bring the awful crime of domestic violence, once again, to the forefront throughout our communities. This resolution helps to bring more awareness of this terrible offense and its effect that it has on our families and our neighbors throughout the communities of this great country of ours.

In my home State of California, domestic violence hotlines answer more than 30 calls every hour from victims, a sad fact. And domestic violence unfortunately continues to plague our families and communities unless we come together as a Nation to end it for good, not just in terms of the formal efforts that we provide but in terms of all the other community organizations that play an important role.

We must remember that domestic violence victims are our sons. They are our daughters. They are our sisters and our brothers, even our parents and our neighbors. They struggle to survive after a crime, and they deserve our services and support to help them cope during their difficult hour.

Therefore, it is fitting and appropriate that we today support the goals and the ideals in recognizing National Domestic Violence Awareness Month, which occurs every October.

Mr. KLINE of Minnesota. Mr. Speaker, I am pleased to yield such time as he may consume to my friend and colleague, the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentlewoman from New York for handling this very important bill. I want to thank Mr. COSTA and Mr. POE for sponsoring this legislation.

When we talk about violence in the family, domestic violence, we quote a lot of statistics, and my colleagues have done that very, very well. But one of the things that's very hard for people to understand is what it's like to actually go through domestic violence.

It's so important that everybody in America be involved in stopping domestic violence. There's so many people that hear some woman scream or see some child being beaten by their father and they don't do anything about it. They say it's not my business, and so they go on their merry way, and they feel like this problem's going to go away. It doesn't go away. It gets worse and worse and worse until sometimes people get killed or maimed for life.

My father was six-foot eight, and my mother was five-foot-and-a-half inches tall, and he used to beat her so badly that we couldn't recognize her. He would tear her clothes off of her in front of me and my brother and sister, and then if we said anything he would beat me.

He went to prison for trying to kill her, and one of the reasons it went that far, in my opinion, is because there wasn't enough attention paid to what he was doing in the first place.

I can remember one night about 2 o'clock in the morning my mother, who had been beaten up, took me and my brother and sister down to the police station in Indianapolis, and she went to the desk sergeant and said to him, you know, she wanted to get a restraining order, get away from this brute and this brutality. And the desk officer said, you know what time it is, lady? It's 2 o'clock in the morning, and these kids ought to be in bed. If you don't take these kids home right now, I'm going to arrest you for child abuse. That was the attitude that we saw back in those days.

I can remember when she would throw a lamp through the front window when he was beating on her or me and scream for help so loud that you could hear it for blocks away and nobody came. Nobody's light went on. Nobody paid any attention, and that's the crime.

The crime isn't just the wife abuse or child abuse or spousal abuse. The crime is that people don't take it upon themselves to stop it.

Today, it's a lot better in police departments across this country. There's

a lot of organizations that are trying to help women and kids who are abused, and that's great. It's a great step in the right direction, but as these statistics that we've heard today will tell you, it goes on and on and on. And the only way it's going to stop, if collectively across this country, men and women who see violence in public or in private or hear about it, report it to the police, report it to the proper people and get that brute away from that man and that woman and those kids. If we don't do that, this is never going to stop. The brute has to be afraid of what's going to happen to him.

I'll just tell you how this story ends. My mother finally got away from him. He went to prison for 2 to 14 years. And when he got out, he still tried to bother us. But it wasn't until he realized that he was going to go back to jail if he did it again that he stopped. The fear of the law, the fear of prosecution, the fear of retaliation for what they're doing is the one thing that brutes and wife and child abusers understand.

And so I'd like to say to my colleagues, this is very important legislation. I really appreciate it. I'm glad that we sponsor this every year, and we need to make sure there's awareness of this.

But I'd like to say if anybody across the country is paying attention, it's your responsibility, every single American, if you see a wife or child abuse or abuse of any type like this, report it to the police. Tell your friends and neighbors to watch for it. That's the only way it's going to stop, and it's everybody's responsibility.

Each year children witness domestic violence and this experience can have a lasting impact on their lives. In order to break the intergenerational cycle, children need services and interventions to address their experiences and prevent future violence. Between 3.3 and 10 million children witness domestic violence every year.

The National Census of Domestic Violence Services (NCDVS) revealed that over 18,000 children in the United States received services and support from 1,243 local domestic violence programs during a 24-hour period in November 2006. During the survey day: 7,241 children found refuge in emergency shelter; 4,852 children were living in transitional housing programs designed specifically for domestic violence survivors; and 5,946 children received non-residential services, such as individual counseling, legal advocacy, and children's support groups.

Nationwide, participating programs reported that 5,157 requests for services from adults and children went unmet. Boys who witness domestic violence are twice as likely to abuse their own partners and children when they become adults.

Children exposed to domestic violence are more likely to exhibit cognitive and physical health problems like depression, anxiety, and violence toward peers. These children are also more likely to attempt suicide, abuse drugs and alcohol, run away from home, engage in teenage prostitution, and commit sexual assault crimes.

Teens experience high rates of domestic and sexual violence and need specialized services that respond to this and prevent future violence. Domestic and sexual violence's prevalence in the youth population is a problem that deserves careful attention.

One in 3 teens know a friend or peer who has been hit, punched, kicked, slapped, choked or physically hurt by dating partners. One-fourth of high school girls have been the victims of physical abuse, sexual abuse or date rape. Girls and young women between the ages of 16 and 24 experience the highest rate of intimate partner violence.

Not surprisingly, this violence can have a traumatic effect on the lives of these young people that can last well into adulthood.

Victims of teen dating violence are more likely to: use alcohol, tobacco, and cocaine; drive after drinking; engage in unhealthy weight control behaviors; commit sexually risky behaviors; and become pregnant. Over 50 percent of youth reporting dating violence and rape also reported attempting suicide. Girls who are raped are about 3 times more likely to suffer from psychiatric disorders and over 4 times more likely to suffer from drug and alcohol abuse in adulthood.

American Indian and Alaska Native women are battered, raped and stalked at far greater rates than any other group of women in the United States.

The U.S. Department of Justice estimates that: 1 of 3 Native women will be raped; 6 of 10 will be physically assaulted; and Native women are stalked at a rate at least twice that of any other population. Seventy percent of American Indians who are the victims of violent crimes are victimized by someone of a different race.

This bill raises awareness of domestic violence. It is essential to keep this issue in the eye of the public so that victims know that they have options and a way out. I am proud to support this bill today.

Mrs. McCARTHY of New York. Mr. Speaker, does the gentleman from Minnesota have any more speakers?

Mr. KLINE of Minnesota. Mr. Speaker, I do not have any more speakers. I would just like to urge my colleagues to support this legislation, and I yield back the balance of my time.

Mrs. McCARTHY of New York. Mr. Speaker, in closing, I urge my colleagues to support this important resolution by educating people about domestic violence so that we may be able to prevent it from happening.

Again, domestic violence is like a domino effect. Once it happens in the family, it continues through generation through generation.

The last speaker mentioned about the community getting involved, people getting involved. We have to stop this because it's a terrible, terrible action against people.

Mr. POE. Mr. Speaker, in 1987, 20 years ago, Congress first recognized October as National Domestic Violence Awareness month. Because of Congress's actions, local community groups, religious organizations, healthcare providers, corporations, and the media are addressing domestic violence in our communities. This October, thousands of victim advocacy organizations, state coalitions, and community groups will hold events to raise awareness to the violence that annually affects millions of men, women, and children in the United States. If we can raise awareness and teach the youth healthy relationship skills and intervene in youth violence, we can reduce dating violence, sexual assault, and stalking in our schools and communities. As the founder of the Victims' Rights Caucus, and sponsor of H. Res. 590, I hope to give a voice to domestic violence victims. Raising awareness of domestic violence provides victims with help and a safe haven, while holding abusers accountable. And that's just the way it is.

Mrs. McCARTHY of New York. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. McCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 590, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KLINE of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

STOP AIDS IN PRISON ACT OF 2007

Ms. WATERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1943) to provide for an effective HIV/AIDS program in Federal prisons, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1943

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 ''Stop AIDS in Prison Act of 2007''.

SEC. 2. COMPREHENSIVE HIV/AIDS POLICY.

(a) IN GENERAL.—The Bureau of Prisons (hereinafter in this Act referred to as the ''Bureau'') shall develop a comprehensive policy to provide HIV testing, treatment, and prevention for inmates within the correctional setting and upon reentry.

(b) PURPOSE.—The purposes of this policy shall be as follows:

(1) To stop the spread of HIV/AIDS among inmates.

(2) To protect prison guards and other personnel from HIV/AIDS infection.

(3) To provide comprehensive medical treatment to inmates who are living with HIV/AIDS.

(4) To promote HIV/AIDS awareness and prevention among inmates.

(5) To encourage inmates to take personal responsibility for their health.

(6) To reduce the risk that inmates will transmit HIV/AIDS to other persons in the community following their release from prison.

(c) CONSULTATION.—The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of this policy.

(d) TIME LIMIT.—The Bureau shall draft appropriate regulations to implement this policy not later than 1 year after the date of the enactment of this Act.

SEC. 3. REQUIREMENTS FOR POLICY.

The policy created under section 2 shall do the following:

(1) TESTING AND COUNSELING UPON INTAKE.—

(A) Medical personnel shall provide routine HIV testing to all inmates as a part of a comprehensive medical examination immediately following admission to a facility. (Medical personnel need not provide routine HIV testing to an inmate who is transferred to a facility from another facility if the inmate's medical records are transferred with the inmate and indicate that the inmate has been tested previously.)

(B) To all inmates admitted to a facility prior to the effective date of this policy, medical personnel shall provide routine HIV testing within no more than 6 months. HIV testing for these inmates may be performed in conjunction with other health services provided to these inmates by medical personnel.

(C) All HIV tests under this paragraph shall comply with paragraph (9).

(2) PRE-TEST AND POST-TEST COUNSELING.—Medical personnel shall provide confidential pre-test and post-test counseling to all inmates who are tested for HIV. Counseling may be included with other general health counseling provided to inmates by medical personnel.

(3) HIV/AIDS PREVENTION EDUCATION.—

(A) Medical personnel shall improve HIV/AIDS awareness through frequent educational programs for all inmates. HIV/AIDS educational programs may be provided by community based organizations, local health departments, and inmate peer educators. These HIV/AIDS educational programs shall include information on modes of transmission, including transmission through tattooing, sexual contact, and intravenous drug use; prevention methods; treatment; and disease progression. HIV/AIDS educational programs shall be culturally sensitive, conducted in a variety of languages, and present scientifically accurate information in a clear and understandable manner.

(B) HIV/AIDS educational materials shall be made available to all inmates at orientation, at health care clinics, at regular educational programs, and prior to release. Both written and audio-visual materials shall be made available to all inmates. These materials shall be culturally sensitive, written for low literacy levels, and available in a variety of languages.

(4) HIV TESTING UPON REQUEST.—

(A) Medical personnel shall allow inmates to obtain HIV tests upon request once per year or whenever an inmate has a reason to believe the inmate may have been exposed to HIV. Medical personnel shall, both orally and in writing, inform inmates, during orientation and periodically throughout incarceration, of their right to obtain HIV tests.

(B) Medical personnel shall encourage inmates to request HIV tests if the inmate is sexually active, has been raped, uses intravenous drugs, receives a tattoo, or if the inmate is concerned that the inmate may have been exposed to HIV/AIDS.

(C) An inmate's request for an HIV test shall not be considered an indication that the inmate has put him/herself at risk of infection and/or committed a violation of prison rules.

(5) HIV TESTING OF PREGNANT WOMAN.—

(A) Medical personnel shall provide routine HIV testing to all inmates who become pregnant.

(B) All HIV tests under this paragraph shall comply with paragraph (9).

(6) COMPREHENSIVE TREATMENT.—

(A) Medical personnel shall provide all inmates who test positive for HIV—

(i) timely, comprehensive medical treatment;

(ii) confidential counseling on managing their medical condition and preventing its transmission to other persons; and

(iii) voluntary partner notification services.

(B) Medical care provided under this paragraph shall be consistent with current Department of Health and Human Services guidelines and standard medical practice. Medical personnel shall discuss treatment options, the importance of adherence to antiretroviral therapy, and the side effects of medications with inmates receiving treatment.

(C) Medical and pharmacy personnel shall ensure that the facility formulary contains all Food and Drug Administration-approved medications necessary to provide comprehensive treatment for inmates living with HIV/AIDS, and that the facility maintains adequate supplies of such medications to meet inmates' medical needs. Medical and pharmacy personnel shall also develop and implement automatic renewal systems for these medications to prevent interruptions in care.

(D) Correctional staff and medical and pharmacy personnel shall develop and implement distribution procedures to ensure timely and confidential access to medications.

(7) PROTECTION OF CONFIDENTIALITY.—

(A) Medical personnel shall develop and implement procedures to ensure the confidentiality of inmate tests, diagnoses, and treatment. Medical personnel and correctional staff shall receive regular training on the implementation of these procedures. Penalties for violations of inmate confidentiality by medical personnel or correctional staff shall be specified and strictly enforced.

(B) HIV testing, counseling, and treatment shall be provided in a confidential setting where other routine health services are provided and in a manner that allows the inmate to request and obtain these services as routine medical services.

(8) TESTING, COUNSELING, AND REFERRAL PRIOR TO REENTRY.—

(A) Medical personnel shall provide routine HIV testing to all inmates no more than 3 months prior to their release and reentry into the community. (Inmates who are already known to be infected need not be tested again.) This requirement may be waived if an inmate's release occurs without sufficient notice to the Bureau to allow medical personnel to perform a routine HIV test and notify the inmate of the results.

(B) All HIV tests under this paragraph shall comply with paragraph (9).

(C) To all inmates who test positive for HIV and all inmates who already are known to have HIV/AIDS, medical personnel shall provide—

(i) confidential prerelease counseling on managing their medical condition in the community, accessing appropriate treatment and services in the community, and preventing the transmission of their condition to family members and other persons in the community;

(ii) referrals to appropriate health care providers and social service agencies in the community that meet the inmate's individual needs, including voluntary partner notification services and prevention counseling services for people living with HIV/AIDS; and

(iii) a 30-day supply of any medically necessary medications the inmate is currently receiving.

(9) OPT-OUT PROVISION.—Inmates shall have the right to refuse routine HIV testing. Inmates shall be informed both orally and in writing of this right. Oral and written disclosure of this right may be included with other general health information and counseling provided to inmates by medical personnel. If an inmate refuses a routine test for HIV, medical personnel shall make a note of the inmate's refusal in the inmate's confidential medical records. However, the inmate's refusal shall not be considered a violation of prison rules or result in disciplinary action.

(10) EXPOSURE INCIDENT TESTING.—The Bureau may perform HIV testing of an inmate under section 4014 of title 18, United States Code. HIV testing of an inmate who is involved in an exposure incident is not ''routine HIV testing'' for the purposes of paragraph (9) and does not require the inmate's consent. Medical personnel shall document the reason for exposure incident testing in the inmate's confidential medical records.

(11) TIMELY NOTIFICATION OF TEST RESULTS.—Medical personnel shall provide timely notification to inmates of the results of HIV tests.

SEC. 4. CHANGES IN EXISTING LAW.

(a) SCREENING IN GENERAL.—Section 4014(a) of title 18, United States Code, is amended—

(1) by striking ''for a period of 6 months or more'';

(2) by striking '', as appropriate,''; and

(3) by striking ''if such individual is determined to be at risk for infection with such virus in accordance with the guidelines issued by the Bureau of Prisons relating to infectious disease management'' and inserting ''unless the individual declines. The Attorney General shall also cause such individual to be so tested before release unless the individual declines''.

(b) INADMISSIBILITY OF HIV TEST RESULTS IN CIVIL AND CRIMINAL PROCEEDINGS.—Section 4014(d) of title 18, United States Code, is amended by inserting ''or under the Stop AIDS in Prison Act of 2007'' after ''under this section''.

(c) SCREENING AS PART OF ROUTINE SCREENING.—Section 4014(e) of title 18, United States Code, is amended by adding at the end the following: ''Such rules shall also provide that the initial test under this section be performed as part of the routine health screening conducted at intake.''.

SEC. 5. REPORTING REQUIREMENTS.

(a) REPORT ON HEPATITIS AND OTHER DISEASES.—Not later than 1 year after the date of the enactment of this Act, the Bureau shall provide a report to the Congress on Bureau policies and procedures to provide testing, treatment, and prevention education programs for Hepatitis and other diseases transmitted through sexual activity and intravenous drug use. The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of this report.

(b) ANNUAL REPORTS.—

(1) GENERALLY.—Not later than 2 years after the date of the enactment of this Act, and then annually thereafter, the Bureau shall report to Congress on the incidence among inmates of diseases transmitted through sexual activity and intravenous drug use.

(2) MATTERS PERTAINING TO VARIOUS DISEASES.—Reports under paragraph (1) shall discuss—

(A) the incidence among inmates of HIV/AIDS, Hepatitis, and other diseases transmitted through sexual activity and intravenous drug use; and

(B) updates on Bureau testing, treatment, and prevention education programs for these diseases.

(3) MATTERS PERTAINING TO HIV/AIDS ONLY.—Reports under paragraph (1) shall also include—

(A) the number of inmates who tested positive for HIV upon intake;

(B) the number of inmates who tested positive prior to reentry;

(C) the number of inmates who were not tested prior to reentry because they were released without sufficient notice;

(D) the number of inmates who opted-out of taking the test;

(E) the number of inmates who were tested following exposure incidents; and

(F) the number of inmates under treatment for HIV/AIDS.

(4) CONSULTATION.—The Bureau shall consult with appropriate officials of the Department of Health and Human Services, the Office of National Drug Control Policy, and the Centers for Disease Control regarding the development of reports under paragraph (1).

SEC. 6. APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, before I give my statement on this legislation, I'd sincerely like to thank Mr. LAMAR SMITH, my colleague on the opposite side of the aisle who was the author of this legislation in the last Congress and who has worked with me so much and so well to bring this legislation before us today. I'm very thankful to him. We have 43 cosponsors on this bill, and I'd also like to thank Mr. RANDY FORBES and Mr. LUIS FORTUÑO who are on the opposite side of the aisle who worked with us on this bill; but all of the Members who came together to get this legislation to this point today are to be appreciated because it was somewhat controversial when Mr. SMITH first brought the idea to us. And, of course, I would like to thank Judiciary Committee Chairman JOHN CONYERS for all of his support for this legislation.

This particular legislation takes us back 25 years after AIDS was discovered; the AIDS virus continues to spread. About 1.7 million Americans have been infected by HIV since the beginning of the epidemic, and there are 1.2 million Americans living with HIV today. Every year, there are 40,000 new HIV infections and 17,000 new AIDS-related deaths in the United States.

We need to take the threat of HIV/AIDS seriously and confront it in every institution of our society. That includes our Nation's prison system, and that is why this bill is so important.

The Stop AIDS in Prison Act requires the Federal Bureau of Prisons to develop a comprehensive policy to provide HIV testing, treatment and prevention for inmates in Federal prisons. The bill requires the Bureau of Prisons to test all prison inmates for HIV upon entering prison and again prior to release from prison, unless the inmate absolutely opts out of taking the test.

The bill requires HIV/AIDS prevention education for all inmates and comprehensive treatment for those inmates who test positive. Language was included to protect the confidentiality of inmate tests, diagnosis, and treatment and to require that inmates receive pre-test and post-test counseling so that they will understand the meaning of HIV test results.

In 2005, the Department of Justice reported that the rate of confirmed AIDS cases in prisons was three times higher than in the general population. The Department of Justice also reported that 2 percent of the State prison inmates and 1.1 percent of Federal prison inmates were known to be living with HIV/AIDS in 2003.

However, the actual rate of HIV infection in our Nation's prisons is simply unknown, and it could be considerably higher.

□ 1400

This is because prison officials do not consistently test prisoners for HIV. The only way to determine whether HIV has been spread among prisoners is to begin routine HIV testing of all prison inmates. This bill does that.

This bill has been endorsed by a number of prominent HIV/AIDS advocacy organizations, including AIDS Action, the AIDS Institute, the National Minority AIDS Council, the AIDS Health Care Foundation, the HIV Medicine Association, AIDS Project Los Angeles, and Bienestar; that happens to be a Latino community service and advocacy organization. The bill also has been endorsed by the Los Angeles County Board of Supervisors and even the Los Angeles Times.

Mr. Speaker and Members, I urge my colleagues to support the bill.

I reserve the balance of my time.

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

Mr. Speaker, I am a strong supporter of H.R. 1943, The Stop AIDS in Prison Act of 2007.

I introduced this legislation in the last Congress and am an original cosponsor of it this year as well. And I want to thank my colleague, Congresswoman WATERS, for her energetic help. I was happy to work with her in the last Congress, and I am pleased that we have worked together again this year. Also, I want to thank Chairman CONYERS for his leadership in bringing this legislation to the House floor today.

Mr. Speaker, the incidence of HIV and AIDS in Federal and State prison populations is difficult to measure because not all Federal and State inmates are routinely tested. There are approximately 170,000 prisoners in the Federal system. The Justice Department said in its 2006 report that about 2 percent of State prison inmates and over 1 percent of all Federal inmates were known to be infected with HIV. The occurrence of HIV and AIDS cases in Federal prison is at least three times higher than it is among the United States population as a whole.

H.R. 1943 requires routine HIV testing for all Federal prison inmates upon entry and prior to release. For all existing inmates, testing is required within 6 months of enactment. This reasonable requirement will enable prison officials to reduce HIV among inmates and provide much needed counseling, prevention, and health care services for inmates who happen to be infected.

Requiring Federal inmates to be tested when they enter prison and when they leave prison is just good common sense. For some prisoners tested when they enter prison, such testing will ensure that they receive adequate treatments, education, and prevention services while incarcerated. Similarly, it is important that prisoners are tested shortly before they are released into the community so that adequate services can be provided after their release. That, in turn, will protect the community.

I believe in tough punishment for criminal offenders because the public deserves to be protected. But we have a duty to treat prisoners humanely and to rehabilitate them. Preventing the spread of HIV and AIDS among prisoners is an essential aspect of humane treatment and rehabilitation. So I urge my colleagues to support this legislation.

Before I reserve the balance of my time, I just want to thank Congresswoman WATERS again for making sure that we are here today, for her leadership on this legislation, and for working with me both last year and this year on such an important bill.

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

Ms. WATERS. I yield to the gentlelady from California, Ms. BARBARA LEE, 5 minutes, a woman who has been in the forefront of the fight against HIV and AIDS not only domestically but internationally.

Ms. LEE. Mr. Speaker, first let me thank Congresswoman WATERS for yielding and for introducing H.R. 1943, the Stop AIDS in Prison Act, and for your leadership on so many issues. But I just want to talk very briefly about what has happened since 1998 under your leadership when you were Chair of the Congressional Black Caucus.

I can remember when I was first elected in 1998, one of the first efforts that I was involved in with Congresswoman WATERS, then as Chair, was calling together a national meeting on a moment's notice. I think we had maybe 2 weeks, 10 days to bring people from around the country here to Washington, DC to talk about a bold response to HIV and AIDS, especially

here in the African American community given the devastation and the disproportionate rates that our communities are faced with.

Out of that meeting, and it was truly a grassroots meeting in Washington, DC on Capitol Hill, we came up with several plans, several strategies, one of which was the idea to establish the Minority AIDS Initiative. Congresswoman WATERS not only talked about why we needed to have a separate pot of money that would track the disease and track prevention, treatment, and education efforts around HIV and AIDS, but also she worked to make sure that happened and oftentimes was the lone voice in the wilderness calling for this.

Well, fast forward. So much has happened since then. We were in Toronto, Canada last year, and Congresswoman WATERS, myself, Congresswoman CHRISTENSEN, we said we have got to take on some tougher issues now because this disease is really getting worse, and the unfortunate reality is that to be black in America is to be at greater risk of HIV and AIDS. And I will never forget her saying: Now, I am going to do something really bold when I get back; now, just get ready for it.

And it was amazing to see how she moved forward with this bill, the Stop AIDS in Prison Act to help us move one step closer to our goal by providing this opt-out testing, treatment, and education at all Federal prison facilities. And she knew that it was going to be controversial, which it was.

But as I listened to the list of supporters and those organizations that have endorsed the bill, I want to just say that this is a real testament to making sure that people understood, the country understood why this bill was necessary and needed, and how she brought people together and organizations together to get this bill to the floor today.

And so it is a good day, Congresswoman WATERS, and I want to thank you so much for stepping out there once again, because it is an example of what we need to do to make sure that we take on the tough issues that we are taking on.

Finally, let me say, as part of our comprehensive strategy, I am working on a bill which Congresswoman WATERS has supported, H.R. 178, called The Justice Act, which would allow for condom distribution in Federal prisons as well as in State prisons, and that is something that we need to do. We have got to fund the Ryan White Care Act and the Minority AIDS Initiative this year. I think we asked for at least $610 million.

We have a long way to go and there are many now, thank goodness, bills that are coming before this body that will allow for a strong, robust response. This is really one of the major pieces of legislation that are central to this overall agenda.

Finally, let me say, we join the Black AIDS Institute to call for a national mobilization and a national plan to end the HIV/AIDS epidemic in America. And, in fact, this plan is bold. It is going to move forward in a very aggressive way. We must employ every strategy that we can to stamp this from the face of the Earth. And so today is another day that we are making one major step in the right direction. And again, Congresswoman WATERS, thank you for your leadership and for yielding, and congratulations.

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

Ms. WATERS. Mr. Speaker, I would like to use this moment to just thank, again, Representative LAMAR SMITH. Also I would like to thank, again, Chairman JOHN CONYERS and Subcommittee Chairman BOBBY SCOTT and all of the Members who have signed on as cosponsors on this bill.

Again, as was mentioned by Congresswoman BARBARA LEE, it certainly did start out a bit controversial. We had some of the advocacy groups who did not support this bill when we began to talk about doing something about AIDS in the prison system. As a matter of fact, questions were raised about everything from confidentiality to the cost to not knowing what to do about follow-up once they leave. But we have been able to answer all of those questions, and some of those who were opposed are now very, very strong supporters because they understand that we really do have to take additional steps to stem the tide of HIV and AIDS in this country.

You would think after 25 years and all of the education that we have tried to do, all the literature that has been written, that everyone would know everything that they need to know about HIV and AIDS. But it is not true. And one of the things that we had to consider was why was it there was an increase in HIV and AIDS with women, particularly minority women. And then we had to take a look at where it may be coming from. And though we don't have empirical data, we do think we are on the right track in helping to stem this tide because we do think that some of these infections are coming from those who may have been incarcerated.

Those who are incarcerated have nothing to fear. As a matter of fact, they should feel even protected by what we are doing because, despite the fact that we don't always discuss what is going on in prison, I think we have a pretty good idea. And this will help again to save the lives not only of inmates, but certainly the mates of inmates when they return into the general population.

Mr. Speaker, I thank everyone.

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, H.R. 1943, as amended.

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

A motion to reconsider was laid on the table.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 470) supporting efforts to increase childhood cancer awareness, treatment, and research.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 470

Whereas an estimated 12,400 children are diagnosed with cancer annually;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children die from cancer each year;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years old are caused by cancer;

Whereas while some progress has been made, a number of opportunities for childhood cancer research still remain unfunded or underfunded;

Whereas limited resources for childhood cancer research can hinder the recruitment of investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancers continues to grow, with about 1 in 640 adults between ages 20 to 39 who have a history of cancer;

Whereas up to two-thirds of childhood cancer survivors are likely to experience at least one late effect from treatment, many of which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and may have serious consequences; and

Whereas 89 percent of children with cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, treatment options, and long-term follow-up;

(2) increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients; and

(7) policies that enhance education, services, and other resources related to late effects from treatment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I might consume.

I rise today to express my strong support for House Resolution 470, supporting efforts to increase childhood cancer awareness, treatment, and research. I am proud to join my colleagues across the aisle and throughout this body in support of this resolution.

September is Childhood Cancer Awareness Month, marking the time when we raise awareness of childhood cancer and the lives affected. Although cancer in children is rare, it is estimated that this year alone more than 12,000 children will be diagnosed with cancer and nearly one-fifth will die, making cancer the leading cause of disease-related deaths for children under the age of 15.

House Resolution 470 reminds us that cancer occurring during childhood has harmful repercussions for a child's future well-being. Cancer compromises a child's natural defenses against other types of illnesses and destroys organs and bones. Cancer disrupts a child's life at a time when he or she should be otherwise more concerned with exploring the world and making new discoveries instead of undergoing chemotherapy or medical therapies.

House Resolution 470 reminds us that more must be done to fight this devastating disease. Mr. Speaker, I rise in support of those children and their families attempting to deal with such a terrible disease.

I want to thank in particular the sponsor of this legislation, Representative PRYCE of Ohio, because I know that she has worked so hard on this in trying to push it to the floor today. I urge all of my colleagues to do the same.

I reserve the balance of my time.

□ 1415

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

I stand here today in support of this resolution, as does the full committee Chair, JOE BARTON, and Ranking Member NATHAN DEAL, supporting efforts of this resolution, House Resolution 470, supporting the efforts to increase childhood cancer awareness, treatment and research.

The sponsor of this bill, Representative DEBORAH PRYCE, is a true champion for childhood cancers. Cancer is a brutal disease and so pervasive we are all closely touched by it. It is that much more devastating to see a young child suffer from cancer. This resolution serves to increase knowledge and awareness of cancer among children and how we can encourage research and education into the disease.

DEBORAH PRYCE is a committed mother and a dedicated and tireless advocate. Through this resolution, she is honoring not only the memory of her daughter, but also those of all children who have suffered from cancer. Childhood cancers affect the whole family: mothers and fathers, brothers and sisters.

I think it can be said that we all will greatly miss Representative PRYCE after her retirement from the House at the end of this Congress. She's leaving a legacy both for her work for her constituents in Ohio, as well as for the leadership of the House of Representatives.

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

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

Mr. TERRY. Mr. Speaker, at this time I yield as much time as she may consume to the gentlelady from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, I'd like to thank Mr. TERRY for the time and for those very kind words, and Mr. PALLONE for his support in this cause, and the entire committee for allowing this to come forward.

Mr. Speaker, I rise today as a voice for the thousands of families across America who have been touched by pediatric cancer, and most importantly, the 12,000 children who will be diagnosed with the disease during this year alone.

This resolution is about a promise to these families that medical advancement and understanding, coupled with a new resolve among researchers, advocates and public officials, will one day eradicate the heartache of pediatric cancer, and promise to the children of our Nation that we will do better to help them in their fight.

The fight of a child with cancer involves many things. It involves being in the hospital and away from your siblings and your best friends, away from your toys and away from the comfort and love of your own home.

It involves confusion and pain after you may have lost your best new friend from the hospital playroom and the heartache that a parent feels having to explain to their child why that happened, all the while knowing that their own child may share the same fate.

And then, there's that different look in the eyes of your parents. Is that fear? But why? I'm going to get better, aren't I?

Mr. Speaker, when a child is diagnosed with cancer, they're forced to say goodbye to their life as they knew it. As they say hello to IV poles and transfusions, catheters, chemotherapy, nausea, surgeries, isolation, they say goodbye to many other things. Because of compromised immune systems, they say goodbye to school and the ordinary routine of growing up. They say goodbye to their friends and their teachers. They say goodbye to their appetite, to their energy, to their hair, and possibly, to some of their limbs. They lose so much. But they never lose hope; and they never lose their dignity.

Mr. Speaker, these are the bravest children I've ever, ever seen.

September is Childhood Cancer Awareness Month. This is the month that these brave kids and their families raise awareness of this awful disease. As these fearless children share their stories in Washington and elsewhere around the country, we learn about strength and courage and will. As their loving families share their stories about how cancer has touched their lives, we learn about resolve and the ultimate a parent can give.

As we hear these stories, we will not lose sight of the incredible hope that these families are providing to tens of thousands of children and other families whose worlds have been turned upside down by cancer, kids whose dreams and aspirations are now in question, who must focus solely on beating this disease today before they can even think about tomorrow.

Mr. Speaker, if you've ever looked into the eyes of one of these children who's so valiantly, courageously waging war against this devastating disease, you certainly could understand why we must continue our efforts to raise awareness, and why I stand here today to stress the perpetual importance of continued education and research.

One child who suffers is one too many. We will continue to fight this terrible disease that's wrought so much suffering and pain on so many.

This resolution honors all of the heroic children and thanks them for their courage and the eternal hope that they provide families everywhere.

I urge my colleagues to support this resolution.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H. Res. 470, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

No child should have to experience and suffer the effects of cancer. And no parent should have to see their child suffer. I am proud to be working with Congresswoman DEBORAH PRYCE on such an important issue. Together, we have introduced the Conquer Childhood Cancer Act. The Conquer Childhood Cancer Act would enhance and expand biomedical research programs in childhood cancer and establish a new fellowship program through the National Institutes of Health (NIH) for pediatric cancer research. The bill would also increase informational and educational outreach to patients and families affected by pediatric cancer.

Over the last several years after a successful doubling of the NIH budget that ended in

2003, funding for NIH and the National Cancer Institute has been flat. As a result, many cancer clinical trials have had to be scaled back. The Children's Oncology Group, which is headquartered in my congressional district, has had to put 20 new studies on hold and decrease enrollment of new clinical trials by 400 children. This is going in the wrong direction.

Thanks to the past funding in childhood cancer research, we know that 78 percent of childhood cancer patients overall are now able to survive. Forty years ago it was a much different story—the cure rates for children with cancer were lower than 10 percent. This shows that by funding biomedical research we can save lives. Congress must increase funding for NIH and NCI so that it can continue the groundbreaking, life-saving research that will lead to new cures and treatments.

So, I not only urge my colleagues to support H. Res. 470, but I also urge my colleagues to cosponsor the Conquer Childhood Cancer Act and pass that much-needed legislation.

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

Mr. PALLONE. Mr. Speaker, I would, again, urge passage of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 470.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CORRECTING TECHNICAL ERRORS IN THE ENROLLMENT OF H.R. 3580

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 217) to correct technical errors in the enrollment of the bill H.R. 3580.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 217

Resolved by the House of Representatives (the Senate concurring), That, in the enrollment of the bill H.R. 3580, the Clerk of the House shall make the following corrections:

(1) In subparagraph (I) of section 402(j)(3) of the Public Health Service Act, as inserted by section 801(a)(2) of the bill:

(A) In clause (i) of such subparagraph (I), strike ''drugs described in subparagraph (C)'' and insert ''drugs and devices described in subparagraph (C)''.

(B) In clause (iii) of such subparagraph (I), strike ''drugs described in subparagraph (C)'' and insert ''drugs and devices described in subparagraph (C)''.

(2) In subparagraph (A) of section 505(q)(1) of the Federal Food, Drug, and Cosmetic Act, as added by section 914(a) of the bill, add at the end the following:

''Consideration of the petition shall be separate and apart from review and approval of any application.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, once again I would ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, this resolution concerns two errors in the bill, H.R. 3580, the Food and Drug Administration Amendments of 2007. The bill has passed both the House and Senate and is currently in the process of being enrolled for delivery to the President.

The resolution directs the Clerk of the House to correct two errors, both of which were made in drafting and inadvertently occurred as we all worked under pressure to complete the drafting of H.R. 3580.

We were under pressure to complete that bill, as you know, before the expiration date on September 30 of PDUFA, the Prescription Drug User Fee Act. The failure to reauthorize PDUFA in time would have caused the Food and Drug Administration to send out notice of employee layoffs.

I'm aware of no objection to passage of the resolution, and I would urge my colleagues to support it.

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

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

Mr. Speaker, H.R. 3580, which passed the House last week, was highly technical and addressed a number of very complicated FDA policy and regulatory matters. I commend the bipartisan Members and the staff who worked so hard on the language that passed with such broad support in the House. Inevitably, when these complicated matters are addressed, some drafting and technical issues need to be revisited in a technical corrections bill.

In the case of the FDA Amendments of 2007, we were especially mindful that the funding had to be secured to prevent the layoff of FDA reviewers prior to September 30. Given the importance of that deadline to protecting the public health, it is inevitable drafting and workability issues may need to be revisited. The resolution simply corrects two omissions from the text that was approved last week.

I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, once again I would urge passage of this corrections legislation. I have no further requests for time and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 217.

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.

EXTENDING TRADE ADJUSTMENT ASSISTANCE PROGRAM

Mr. LEVIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3375) to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3375

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

SECTION 1. TEMPORARY EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) ASSISTANCE FOR WORKERS.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''September 30, 2007'' and inserting ''December 31, 2007''.

(b) ASSISTANCE FOR FIRMS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by inserting after ''2007,'' the following: ''and $4,000,000 for the 3-month period beginning on October 1, 2007,''.

(c) ASSISTANCE FOR FARMERS.—Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by inserting before the period the following: '', and there are authorized to be appropriated and there are appropriated to the Department of Agriculture to carry out this chapter $9,000,000 for the 3-month period beginning on October 1, 2007''.

(d) EXTENSION OF TERMINATION DATES.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by striking ''September 30'' each place it appears and inserting ''December 31''.

(e) EFFECTIVE DATE.—The amendments made by this section shall be effective as of October 1, 2007.

SEC. 2. OFFSETS.

(a) TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''114.75 percent'' and inserting ''115 percent''.

(b) CUSTOMS USER FEES.—Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking ''September 30, 2014'' and inserting ''October 7, 2014''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Texas (Mr. BRADY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise.

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

There was no objection.

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

Today we are considering an extension of a critical component of our trade agenda, an extension of the Trade Adjustment Assistance program. All three programs that make up TAA, Adjustment Assistance for Workers, Adjustment Assistance for Firms, and Adjustment Assistance for Farmers, expire on September 30.

Trade Adjustment Assistance helps to make sure that workers impacted by increased trade get the help and retraining they need and deserve so that they can go out and get new, good-paying, family-wage jobs.

It's not a perfect program. In fact, it needs work. The committee will be taking up legislation reforming and reauthorizing Trade Adjustment Assistance shortly.

Critically, this program will improve the effectiveness of the program by, among other things, offering TAA access to service workers, increasing funding to satisfy unmet demand, getting rid of complicated and burdensome rules that make it hard for people to take advantage of Trade Adjustment Assistance.

I think all of us can expect a discussion draft of the bill reforming and reauthorizing TAA to be circulated in the next week. The committee should take up the bill sometime after that; and if all goes as planned, the program will be authorized before the end of the year.

We will hammer out the details of TAA overhaul; and while we do that, we need to pass this short-term, 3-month extension.

The bill under consideration today was originally introduced by Mr. HERGER. His support for the extension reflects the bipartisan support for Trade Adjustment Assistance that's really necessary, and I hope for in the future. It is also a recognition of the fact that the program has an important element of America's overall trade agenda.

I also want to thank, in addition to Mr. HERGER and those of you on the Republican side, I want to thank Mr. ADAM SMITH for his work on Trade Adjustment Assistance.

□ 1430

We all have been focusing on this issue for many years, and now there is the opportunity to act within this House.

I also want to thank Mr. MCDERMOTT, another subcommittee Chair for his help.

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

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

I stand in support of this legislation. I appreciate the chairman's leadership on extending it. I stand on behalf of Representative WALLY HERGER, who is author of this legislation and ranking member, lead Republican on the Trade Subcommittee of Ways and Means.

In my view, free trade is working on America's behalf. The free trade agreements we have today are producing more and more sales of American products and services around the world, nearly doubling those sales. Even though our free trade agreements are with countries that only represent 7 percent of the whole global market, in fact, they buy almost half of all that America sells and produces. In fact, we have a free trade surplus with these countries of over $5 billion. Conversely, much of our trade deficit, 80 percent of it are with countries we don't have free trade agreements with.

Nonetheless, at the same time we have to do a better job of helping those who lose their jobs due to the ever-changing world marketplace. We need to give workers more training options and more flexibility to get back on their feet as soon as possible.

Trade Adjustment Assistance has been successful in helping many adjust to job loss because of trade. The benefits, including the health coverage, tax credit, are very meaningful. Trade Adjustment Assistance can be improved in how it is administered to get people certified and trained more quickly, and changes can be made to get people back to work soon. However, this is an expensive program, costing taxpayers nearly $1 billion while providing assistance for about 54,000 workers per year. Accordingly, as the committee and as this Congress looks forward to covering additional workers who lose their jobs because of trade, we must look at it carefully to make sure we are getting the help to those who need it, that we are doing it efficiently, that we are giving them the educational tools they need to get back to the workforce just as soon as possible. And that is an area that I think will take considerable discussion, but I think there is common ground among Republicans and Democrats to try to make sure that we get as many workers back to work as soon as possible.

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

Mr. LEVIN. Mr. Speaker, I yield myself 3 minutes.

We clearly need to reform and reauthorize TAA. We also need to be sure that we reform trade policy. One is not a substitute for the other. We need to do both.

In the continuing resolution that was passed last February, Congress included language prohibiting the United States Department of Labor from issuing final regulations concerning the TAA program. Critically and problematically, these regulations would contravene Congress's legislative intent in the important policy areas and cause confusion among State and local operators of the TAA program. In short, these regulations would change the very nature of this program, a program specifically committed to ensuring that workers adversely affected by trade get the assistance and training they need to obtain new, good-paying, family-wage jobs, as I said before.

For example, these rules would, number one, compel States to implement a ''rapid reemployment'' strategy; two, permit States to establish monetary caps on training for dislocated workers; three, compel States to integrate the TAA program into the Workforce Investment Act system; four, permit the privatization of the administration of programs; and, five, abolish merit staff standards.

These rules are extremely troubling. They undermine the program and, more generally, the intent of Congress.

Fortunately, my colleagues on the majority side felt the same way about the Department of Labor proposal. Recognizing the serious implications of these flawed rules, Chairman OBEY included the following language in the February continuing resolution:

''None of the funds made available in this division or any other act shall be available to finalize or implement any proposed regulation under the Workforce Investment 12 Act of 1998, Wagner-Peyser Act of 1933, or the Trade Adjustment Assistance Reform Act of 2002 until such time as legislation reauthorizing the Workforce Investment Act of 1998 and the Trade Adjustment Assistance Reform Act of 2002 is enacted.''

And I quote that because it is so important.

Mr. Speaker, I now would like to yield such time as he may consume to my colleague from Washington, ADAM SMITH, who has been working so hard on this issue.

Mr. SMITH of Washington. Mr. Speaker, I will be yielding to the chairman to ask a question to get a clarification on one point. But, first of all, I want to thank him for his leadership on this issue, and I do want to agree with Representative BRADY's comments.

I think trade is very, very important. It has a very positive impact on the economy in this country. We need to work to improve these trade agreements. But what we try to do with Trade Adjustment Assistance is try to help displaced workers.

I have long been troubled by the fact that it's called Trade Adjustment Assistance. I think it should just be called ''adjustment assistance,'' because regardless of where your job goes, it creates a problem that needs to be filled. In fact, many jobs are lost in this country to advancements in technology. Frequently jobs are lost from one part of this country to another part of the country, and those people who have lost those jobs are no more impacted than if we develop a competitive disadvantage with a country and they start taking over some jobs in an area that we used to occupy. In both instances workers need help and we need a broad adjustment program to do that.

I am, however, troubled, as Mr. LEVIN pointed out, by the regulations that the administration tried to adopt that would pare back the program and, to some degree, limit the ability of displaced workers to get adjustment assistance.

As we have heard from all economists, skills are going to be the critical factor from this point forward in having an employable workforce in this country. We have got to give our workforce access to greater training, greater technology, and more repetitive training. Sorry, that's the wrong way to put it. They have to update their skills more often. Gone pretty much are the days when you could simply have a high school education, find a job with a company that was going to be around forever, and you were set. If we are going to have an economy where change is more rapid, we have to help our workers in this country.

As the gentleman knows, I am a strong supporter of trade agreements, frequently berated by many in my own party for that, but I don't see that as the piece that is causing the problems for our workers. The piece I see is causing the problem for our workers is we have not made enough changes to reflect the rapid change that is facing them. We don't give them enough opportunities to retrain, update their skills for the changes they have to deal with. We don't have adequate health care protection for them when they lose their job as well. These are things that the Trade Adjustment Assistance Act tries to take care of and that I am concerned that those regulations that the administration tried to adopt would undermine. So I am very grateful to have that language in there.

And this is where, if Mr. LEVIN could just clarify on one point, and I think in our colloquy here we have two questions, but it is really only one. I just want to be clear that the legislation that we are considering today is simply an extension of the existing program, it is not the reauthorization of the program, so that the prohibition contained in the February 2007 continuing resolution on the implementation of the flawed rules that we have referenced remains in effect even if we pass this bill. Is that correct?

Mr. LEVIN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Washington. I will yield to the gentleman.

Mr. LEVIN. That is absolutely correct. As Chairman RANGEL has stated and I have stated at the markup last week, this is an extension of existing law. It is not a reauthorization. As Ranking Member MCCRERY stated at the markup and as Mr. HERGER explained in the remarks he submitted for the RECORD, this piece of legislation is a simple extension of existing law, nothing more, nothing less. So the prohibition on the implementation of the rules remains fully in effect.

Mr. SMITH of Washington. I want to thank you for that clarification and appreciate your work on this issue. I think it is critical that we pass it so that we can move forward and continue Trade Adjustment Assistance.

Equally critical, as you know, Mr. Chairman, I have been working with you and Chairman RANGEL and many others on expanding Trade Adjustment Assistance so that more workers can benefit from it. I know right now we are working on a bill with a variety of different ideas. I think it is critical that we do that full-scale reauthorization and that we expand the bill so that it better protects workers, protects more workers, and makes sure that workers in this country can benefit from the new economy so that we don't have to have these constant wars over trade agreements, so that we can focus on taking advantage of the economic opportunities that are there in today's economy by making sure that the workers who are most vulnerable, who need greater skills, have help so that they too can begin to benefit from the economy.

I appreciate your work on this issue. I look forward to working with you. I know in the next few weeks we will be introducing a bill and we will be moving forward on a broader reauthorization.

I simply urge the body to support this short-term extension in the meantime.

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

Mr. Speaker, I agree with the previous speakers as well that there are lots of challenges that face American workers these days. And whether it is from competition here at home or competition from abroad, technology, or just the fact that our economy continues to transition, families need help in moving with that transition, acquiring the education, the skills. We have a huge mismatch between the jobs available in this country and the skills of the workers who can fill them, and it is important that we bridge that gap.

I would close with this point that Congressman HERGER has made, I think, in all of these hearings. Trade Adjustment Assistance is just one tool in a larger policy toolbox to help workers and families and communities adjust to the new global economy. Trade Adjustment Assistance isn't the proper response to all job loss. Currently we spend billions of dollars each year through a large number of Federal programs, including Trade Adjustment Assistance, to help Americans who lose their jobs.

I think, as we work on this, you take decades-old Federal programs that need reform today such as TAA, improve their effectiveness, improve their efficiency, make sure that we are really getting that help down to families that need it in a timely way, sometimes in advance of those job losses, with the education debit cards and other new ideas that can help these workers recover more quickly. I just think there is an opportunity to work together, Republicans and Democrats, to try to resolve this and find a real good solution for this issue.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

I will close, first of all, if I might, commenting on TAA to the gentleman from Texas and to Mr. MCCRERY and Mr. HERGER, who could not be here, we have a lot of work to do on TAA. We are working on legislation that would reform it as well as reauthorize it, that would expand its scope. To exclude service workers, for example, is no longer acceptable, if it ever was.

We also need to be sure that we remove the obstacles to those who have been eligible on paper for TAA but, because of the obstacles and the complexities within the law, have really not been able to access it.

We also need to look at the health benefit because today only about 10 percent of the people who are eligible for TAA ever are able to access the health benefit.

So as mentioned by my friend from Washington and as I said earlier, as Mr. RANGEL has also said publicly, we are working on legislation. We hope to have a draft ready next week, but we want to disseminate it and discuss it within the majority ranks, also to discuss it with the minority, in the hope that perhaps we can obtain strong bipartisan support.

□ 1445

I don't think it's preordained on trade issues; I guess nothing is preordained. But there will be those discussions. But I want to serve notice that we really need to and intend to proceed, that this extension is not an excuse for the lack of basic action.

And, secondly, I want the record to be entirely clear that TAA reform is critical, but it is no substitute for reform of our trade policy. We need to have programs that help those who are disadvantaged by trade, and for other reasons, to be able to have the opportunity, they have the desire, but also the opportunity to do some retraining, to obtain more education to extend their skills so that they can get back on their feet with a living wage.

We also need to pass reform of trade policy that prevents dislocation in the first place, wherever possible. And to have the notion that simply ''catch those people who fall off because of dislocation'' isn't enough. We have to address the basic issues in trade policy. We began to do that in the Ways and Means Committee today in terms of a Peru FTA that I think are the first steps toward a new trade policy for America. I hope that we can do both and, if at all possible, on a bipartisan basis, but we need to do both.

Mr. HERGER. Mr. Speaker, I support H.R. 3375, a bill to extend the Trade Adjustment Assistance program by three months beyond September 30th, when it would otherwise expire.

I introduced this bill to allow Members adequate time to review and carefully consider the range of existing and forthcoming proposals to reform and expand this very complex and important program. As part of this review, our

Committee must consider whether any expansions would create duplicative federal programs and how any such expansions to the TAA program would be covered under the "pay-go" rules.

TAA can be a valuable tool for retraining people and helping return them to work quickly, but the program is in need of reform to do that job better. Moreover, TAA is an expensive federal program, costing taxpayers nearly $1 billion each year, but providing assistance only to some 54,000 workers per year, amounting to $18,000 per worker. In light of this, any expansion of TAA must be done in a cost conscious manner focusing on actual results.

At the same time, we must be mindful that TAA is just one tool in a larger policy toolbox to help workers, families, and communities adjust to the new global economy. TAA is not the proper response to all job loss.

Today, billions of dollars are provided annually through various Federal programs, including TAA, to help Americans who lose their jobs so that they can adapt and return to productive jobs. However, TAA and these other decades-old Federal programs need to be reformed to improve the services that they provide to address job loss due to trade, globalization, technology, and other reasons.

I look forward to working with my Republican and Democratic colleagues in an effort to develop an effective, fiscally sound, and comprehensive approach that would help more American workers, regardless of the reason for their job loss, get retrained and re-enter the workforce as quickly as possible so they can better adapt to the changing global economy

Mr. MCCRERY. Mr. Speaker, I rise in support of H.R. 3375, a bill to extend the Trade Adjust Assistance or TAA program for 3 months beyond its expiration on September 30th.

I want to acknowledge Mr. HERGER, ranking member of the trade subcommittee, for anticipating the need for this extension to ensure there is sufficient time to carefully consider reforms to TAA as well as to our programs to help workers if they lose jobs for reasons other than trade. I also want to thank Chairman RANGEL and Chairman LEVIN for their support of this bill.

I look forward to seeing the two Chairmen's TAA reform proposal. My colleagues and I have been working on our own proposal too. I hope we can craft a bipartisan, cost-effective approach that helps get all dislocated workers—not just the few who lose their jobs due to trade—retrained and back to work sooner. It is our responsibility to make sure that all Americans have the opportunity to quickly obtain the skills they need to adapt to globalization.

Today, our Committee held a non-markup of the U.S.-Peru FTA and approved, by voice vote, the draft implementing legislation to it. I commend Chairman RANGEL for his commitment to quickly move this FTA to passage. At the same time, we must implement the pending FTAs with Panama, Colombia, and Korea to enable our workers and their employers to benefit from the new opportunities created by these FTAs.

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

The SPEAKER pro tempore (Mr. HOLDEN). The question is on the motion offered by the gentleman from Michigan (Mr. LEVIN) that the House suspend the rules and pass the bill, H.R. 3375, as amended.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 548, by the yeas and nays;

H. Res. 642, by the yeas and nays;

H. Res. 557, by the yeas and nays.

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

OPPOSING ASSASSINATION OF LEBANESE PUBLIC FIGURES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 548, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and agree to the resolution, H. Res. 548, as amended.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 15, as follows:

[Roll No. 899]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
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
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
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
Musgrave
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
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
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)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
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)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Kucinich
Paul

NOT VOTING—15

Berry
Bishop (GA)
Bishop (UT)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson, E. B.
Larsen (WA)
Poe
Ross
Snyder

□ 1513

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COUNTRIES HIT BY HURRICANES FELIX, DEAN, AND HENRIETTE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 642, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 642.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 900]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
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
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
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)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
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)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—14

Berry
Bishop (GA)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson, E. B.
Kagen
Poe
Ross
Snyder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1520

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OPPOSING SINGLING OUT ISRAEL'S HUMAN RIGHTS RECORD

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 557, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 557, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 2, not voting 14, as follows:

[Roll No. 901]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
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
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo

Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
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
Musgrave
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
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
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)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
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)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Kucinich
Paul

NOT VOTING—14

Berry
Bishop (GA)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson, E. B.
Johnson, Sam
Poe
Ross
Snyder

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1527

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1530

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 976, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 675 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 675

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes, with Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a single motion offered by the chairman of the Committee on Energy and Commerce or his designee that the House concur in each of the Senate amendments with the respective amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided among and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

POINT OF ORDER

Mr. ROGERS of Michigan. Mr. Speaker, point of order.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman will state his point of order.

Mr. ROGERS of Michigan. Mr. Speaker, I rise for a point of order against consideration of the resolution because it violates clause 9(b) of House rule XXI for failure to disclose a taxpayer-funded earmark contained in the bill.

Section 618 of the Democrats' SCHIP bill contains an undisclosed earmark directing taxpayer funding to a facility located in Memphis, Tennessee, specifically in the district of the gentleman from Tennessee.

Under House rules, all earmarks are supposed to be disclosed, and the Member requesting the earmark is required to certify that he has no financial interest in this earmark.

The earmark contained in this bill has not been disclosed anywhere. In fact, at the Rules Committee last night, my friends in the Democratic leadership certified this bill as ''earmark-free,'' despite the fact that this bill includes an earmark for the gentleman from Tennessee.

The requirements of full disclosure and certification that there is no financial interest have not been met here.

This earmark was not in the House-passed bill, H.R. 976. It was not in the Senate amendment to H.R. 976. I would point out it was in the House-passed H.R. 3192, but it was never disclosed there either.

This bill threatens the important programs that protect the health of seniors and children, and that debate should happen.

This bill spends billions in taxpayer dollars on health insurance for families who make $83,000 a year and on illegal immigrants. This bill ignores House earmark rules to buy votes for its passage.

Mr. Speaker, the American people are entitled to know how their tax dollars are being used. This is why the Republican leadership for months has been requesting a vote on House Resolution 479, legislation that would clarify the rules of our Chamber to ensure all earmarks are publicly disclosed and subject to challenge and debate here on the floor. The majority leadership has unfortunately refused to allow H. Res. 479 to come to the floor for vote. And this is why Republicans had no choice but to file a discharge petition last week that will force H. Res. 479 to the floor.

Mr. Speaker, there is a reason that the American people hold us in lower regard than a twice-convicted used car salesmen. It is because we continue to, in a slap of the face of every American taxpayer who gets up in the morning and plays by the rules, to play politics and slip things into bills that are not only against the rules, but against the integrity and well-standing of this House.

PARLIAMENTARY INQUIRY

Mr. MCGOVERN. Mr. Speaker, will the gentleman please state his point of order?

The SPEAKER pro tempore. The gentleman from Michigan must confine his remarks to his point of order.

Mr. ROGERS of Michigan. Mr. Speaker, my point of order is that this bill is in violation of 9(b) of House rule XXI for failure to disclose a taxpayer-funded earmark contained in the bill.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

The gentleman from Michigan makes a point of order under clause 9(b) of rule XXI that the resolution waives the application of clause 9(a) of rule XXI. It is correct that clause 9(b) of rule XXI provides a point of order against a rule that waives the application of the clause 9(a) point of order.

In pertinent part, clause 9(a) of rule XXI provides a point of order against a bill, a joint resolution, or a so-called ''manager's amendment'' thereto unless certain information on congressional earmarks, limited tax benefits and limited tariff benefits is disclosed. But this point of order does not lie against an amendment between the Houses.

House Resolution 675 makes in order a motion to concur in Senate amendments with amendment. Because clause 9(a) of rule XXI does not apply to amendments between the Houses, House Resolution 675 has no tendency to waive its application. The point of order is overruled.

Mr. ROGERS of Michigan. I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is: Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. ROGERS of Michigan. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 190, not voting 18, as follows:

[Roll No. 902]

AYES—224

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
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)
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)
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)
Pryce (OH)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wamp
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
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Berry
Bishop (GA)
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
English (PA)
Fortenberry
Herger
Hunter
Jindal
Johnson, E. B.
Johnson, Sam
McDermott
Poe
Ross
Snyder

□ 1557

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

Mr. MCGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, H. Res. 675 provides a rule for consideration of the Senate amendments to H.R. 976, the Children's Health Insurance Program Reauthorization Act.

The rule permits the chairman of the Committee on Energy and Commerce to move that the House concur in the Senate amendments with the amendments printed in the Rules Committee report.

The rule waives all points of order against the motion except those arising under clause 10 of rule XXI.

Finally, the rule provides 1 hour of debate equally divided among and controlled by the chairmen and ranking minority members of the Committee on Energy and Commerce and the Committee on Ways and Means.

Mr. Speaker, the bill before us today represents a defining historic moment for this House. Members of this body will be faced with the simple choice: Will you vote to provide health insurance to millions of children, or will you vote to take health insurance away from the children who currently have it?

Today, over 45 million people living in this country woke up without health care. Millions of them are children whose families make too much to be eligible for Medicaid but not enough to purchase their own insurance.

Studies have shown that the number of uninsured children jumped by 710,000

last year. That is unconscionable; and under the leadership of Speaker PELOSI and the new Democratic Congress, we have begun to change it.

The State Children's Health Insurance Program, or SCHIP, currently provides health care to over 6 million children; but the program will expire in just 6 days unless we act to reauthorize it.

Historically, the SCHIP program has enjoyed bipartisan support. The bill before us today represents a careful, bipartisan compromise that enjoys the support of people like Senator CHUCK GRASSLEY, Senator ORRIN HATCH, Congressman RAY LAHOOD, and Congresswoman HEATHER WILSON.

Frankly, Mr. Speaker, the bill before us does not go as far as I would like. I prefer the bill this House passed a few weeks ago. The House-passed bill not only expanded the SCHIP program to 1 million more children than the bill we'll be voting on today; it also leveled the playing field by adjusting the reimbursements for the Medicare Advantage Program, a program that is in dire need of reform. But I will not and I cannot allow the perfect to be the enemy of the very good, and this is a very good bill.

Under this agreement, health insurance coverage will be provided to millions of children who do not have it today. Quality dental coverage will be provided to all enrolled children. The agreement ensures that States will offer mental health services on par with medical and surgical benefits covered under SCHIP, and the bill also provides States the option to cover prenatal care, ensuring healthy babies and healthy moms.

Now, contrary to the White House rhetoric, the bulk of the children who would gain coverage are poor and near-poor children who are uninsured, not middle-income children with private coverage.

□ 1600

The President would like to suggest that SCHIP is Congress's way of socializing medicine and undermining private health insurance plans, which is interesting, considering that just yesterday this bill was endorsed by America's Health Insurance Plans, the Nation's largest insurance lobbying group. It is also important to note, Mr. Speaker, that this bill is fully paid for. This represents a sharp change from earlier bills that the President enthusiastically supported from the 2003 Medicare prescription drug bill to the Republican energy plans to his tax cuts for the rich, which were all financed by massive amounts of deficit spending.

The President has threatened to veto this bill, Mr. Speaker. That takes my breath away. He didn't veto billions of dollars in tax breaks to oil companies that were gouging people at the pump. He didn't veto billions of dollars in no-bid defense contracts. But he will veto a modest bipartisan bill to provide health care coverage for millions of low- and moderate-income American children?

Now, some of my friends on the other side of the aisle would say that we should simply extend the current SCHIP program, but what they won't tell you is that the spending level supported by the President is not enough even to provide continued coverage for all the children who are currently enrolled. In other words, Mr. Speaker, those who support the President would take health care away from over 800,000 kids who have it today. That is not acceptable. That is cruel.

As the Catholic Health Association has said, ''Temporary extensions and/or inadequate funding levels will lead to children losing coverage. That would be an enormous step back for our Nation and a retreat from our collective commitment to cover uninsured children.''

Mr. Speaker, this is a defining moment for this Congress. With a ''yes'' vote on this bill, we can improve the lives of millions of children and their families. A ''no'' vote is a vote to take health care away from some of the most vulnerable members of the American family.

The choice is clear. I urge a ''yes'' vote on the rule and the underlying bill.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, today is a defining moment for an insatiable appetite that the new Democrat majority has for spending, spending taxpayer dollars and going well beyond the mission statement of SCHIP. And that is what the day is all about. It is a defining moment with the new Democrat majority seeking a way to have single payer-funded health care for all America. And that is the road that we are defining and beginning again today.

Mr. Speaker, I rise in strong opposition to this completely closed rule that fails to even provide the minority with a motion to recommit, and to the underlying legislation that the minority did not receive until 6:30 last night.

When I came to the floor in the beginning of August to oppose the previous version of this legislation, I explained my opposition to the way that it had been brought to the floor without a single legislative markup. And, unfortunately, again today that fact has not changed. In fact, neither Republican leadership nor Republican members on the House Energy and Commerce Committee had an opportunity to participate in the crafting of the 250-plus pages of legislative language this entire House was provided with just a little bit more than 12 hours ago.

Despite the terrible process surrounding this legislation from start to finish, I would like to once again thank the Democrat leadership for one thing: By cramming this bill through the House for a second time, they are giving every single Member of this body another opportunity to go on record regarding which vision they have for the future of our Nation's health care system that they truly support.

The first vision for our future is to slowly shift away as many Americans as is possible into a one-size-fits-all Washington bureaucrat-run program. And, if nothing else, I congratulate the Democrat leadership for their clarity, because that vision is embodied in H.R. 976.

Rather than taking the opportunity to cover the children who cannot obtain coverage through Medicaid or the private marketplace, this bill uses these children as pawns in their cynical attempt to make millions of Americans completely reliant upon the government for their health care needs.

H.R. 976 also increases government spending and dislocates the private marketplace, leaving taxpayers holding the bag for these increased costs. This bill generally raises the income threshold for eligibility and allows States to qualify anyone receiving these funds, including childless adults and people making over $80,000 a year, despite the fact that this diverts these much needed funds away from helping our Nation's most poorest children.

It would also allow illegal immigrants and aliens to receive these benefits by forcing States to accept non-secure documents as proof of citizenship for purposes of receiving these funds. I find it both ironic and unfortunate, Mr. Speaker, that the party of HILLARY CLINTON and bureaucrat-run health care would float a proposal in which law-abiding citizens are made to show proof of insurance as a condition of employment, while this legislation would open the door for ineligible and illegal immigrants to receive federally funded benefits, no questions asked.

All of these problems exist on top of a current system which we know that some States already abuse. This bill grandfathers in New York's standard, which provides Federal assistance to those making four times the poverty level, and in New Jersey at 3½ times, while allowing every other State to expand coverage to three times the current poverty level.

Finally, Mr. Speaker, the crowd-out effect created by this big government bill that replaces private insurance with a government program will not provide coverage to more kids. By the CBO estimate, it simply will shift 2.4 million children out of private insurance and into a Federal program that hurts doctors and hospitals by forcing them to deal with government bureaucrats that short-change both patients and providers by undercompensating them for medical services.

If Democrats were serious about ensuring that every American had access to inexpensive and high-quality health care, we would be talking about a different vision today for our health care, one that tackles the system's real underlying problems and revolutionizes our health care system to provide us

with better results. This other, Republican vision for improving health access to health insurance includes allowing families to have access to tax exemptions up to $15,000 a year for health care, not just those who work for large employers.

The Republican vision includes giving Americans the ability to purchase health insurance across State lines, because healthy insurance options should not be limited to the State you live in or your zip code. It also includes having Congress act to ensure that those who can't get insurance in the marketplace have access to coverage through high-risk pools and low-income tax credits.

Mr. Speaker, I am not here to oppose the idea of SCHIP. It was a Republican-controlled Congress that created SCHIP, and I support its original, true mission. But H.R. 976 is a camouflaged attempt at slowly siphoning Americans from insurance plans into a Washington, D.C., bureaucrat-run system.

Mr. Speaker, today we fail to address one of the most serious issues facing our Nation: how to make our health insurance system more affordable and accessible for all Americans. And by focusing on the wrong vision for our future, this bill does nothing to address either problem. It ignores the fact that our Nation has produced the greatest health care advantages in the world, many of which have come as a result of our competitive insurance market.

The American survival rate for leukemia is 50 percent; the European rate is just about 35 percent. For prostate cancer, the American survival rate is 81 percent; in France, it is 62 percent; in England, it is 44 percent.

Rather than trying to emulate Europe and its outdated socialized approach, we should be working on a vision to give every single American an opportunity to take part in our competitive insurance market. I encourage my colleagues to oppose this rule and the underlying legislation to drag America into a one-size-fits-all European model.

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

Mr. MCGOVERN. Mr. Speaker, before I yield to our next speaker, I just respond to the gentleman from Texas by saying, he talks about this Republican vision for health care; but if my memory is serving me correctly, the Republicans were in charge of the Congress for many years, too many years, if you ask me, and they had the President of the United States of the same party while they were in control of both Congresses.

What they presided over with all their control, this Republican vision that the gentleman from Texas talks about, resulted in more and more and more, millions and millions more Americans falling into the ranks of the uninsured. And many of them are children. Too many are children. We are trying to fix that here. We think it is unconscionable in the richest country on the face of this Earth that millions of children go without health insurance.

Let me just say one other thing. The gentleman made an allusion, too, that this bill would make it easier to enroll illegal immigrants. I want to ask my friend from Texas to read the bill. Section 605, no Federal funds for illegal immigrants. Nothing in this Act allows Federal payment for residents who are not legal residents.

Now, I know that immigrant bashing is the last bastion of the politically desperate, but the fact of the matter is facts are facts. And on documentation, only my Republican friends would argue that poor children should have passports as though they are jetting off to Paris for the spring fashion shows.

The bottom line is, what the gentleman is raising on that level is totally unwarranted.

Mr. Speaker, I yield 1 minute to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I rise today in strong support of the bipartisan agreement that will provide health coverage to 10 million children.

We have a moral obligation to protect and nurture our children. No child should go without health care. No child should go without regular checkups, preventive care, and treatment of illnesses. This legislation provides support to those who need it most, our children. And it is long overdue.

This compromise secures coverage for the 37,000 children covered by Iowa's HAWK-I program. It also provides essential funding for the State of Iowa to reach the almost 27,000 children who are eligible for the program but remain uninsured.

Mr. Speaker, healthy children are the foundation of our society and our economy. I sincerely hope that the President will change his mind, put the politics aside, and sign this critical legislation into law. The health, the well-being, and the lives of our children are at stake, and I support the rule.

Mr. SESSIONS. Mr. Speaker, at this time I yield to the gentleman from San Dimas, California, the ranking member on the Rules Committee, the gentleman from California (Mr. DREIER) 6 minutes.

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

Mr. DREIER. Mr. Speaker, I thank my very good friend from Dallas for yielding this time, and I thank him for his great, very thoughtful statement on this issue.

I have got to say, as I did last night when we met in the Rules Committee, Mr. Speaker, that it really saddens me that we are here at this point. It was very proudly in a Republican Congress with a Democratic President that we came together in a bipartisan way to ensure that the very, very underprivileged in this country, children, would have access to health insurance. It is something that existed for 10 years, and we know that there are still children who are in need and we want to do everything that we possibly can to ensure that children have an opportunity to have access to quality health care. Mr. Speaker, this ain't it. This is not the answer.

I listened to my friend from Worcester begin this very thoughtful statement about bipartisanship. He mentioned two House Republicans and two Senate Republicans who made this a wonderful bipartisan measure. But I would like to yield to my friend and engage in a colloquy with him, if I might.

I see here on the floor the very distinguished ranking minority member of the Committee on Energy and Commerce, the committee that has had jurisdiction over this issue. And I would like to inquire of my friend if he knows if the distinguished gentleman from Texas (Mr. BARTON) was ever invited, as he hails this great spirit of bipartisanship, to any meeting that was held by the majority in attempts to negotiate this measure. I am happy to yield to my friend from Worcester.

□ 1615

Mr. MCGOVERN. I'm sorry, I didn't hear the question of the gentleman from California.

Mr. DREIER. Would the gentleman yield me 1 minute so that I could ask the question again?

Mr. MCGOVERN. We have all of our time scheduled. I'm sorry.

Mr. DREIER. Would the gentleman yield me 30 seconds so that I can ask the question? We've got a limited amount of time here and a lot of speakers.

Mr. MCGOVERN. We are literally filled up.

Mr. DREIER. So the gentleman chooses not to answer my question then.

Mr. RANGEL. I will answer the question if you yield.

Mr. DREIER. I'd be happy to yield to my very good friend from New York.

Mr. RANGEL. Let me explain to the ranking member how difficult I know it must have been for you to see how the leadership in the House and Senate did this.

Mr. DREIER. Mr. Speaker, let me reclaim my time. I was happy to yield to my friend to answer my question. It was a yes or no question.

Mr. RANGEL. The Republican leadership excluded that man. The Republican leadership excluded him, as I had been excluded as a Democrat. He was excluded from participating by the Republican leaders.

The SPEAKER pro tempore (Mr. SCHIFF). The gentleman from New York will suspend. The gentleman from California controls the time.

Mr. DREIER. Mr. Speaker, the distinguished Chair of the Committee on Ways and Means is a great friend of mine. I'm always happy to yield to him. I was trying to yield to the gentleman from Worcester who is managing this rule——

Mr. RANGEL. He was excluded, too.

Mr. DREIER. I would simply inquire as to whether or not the distinguished ranking member of the Committee on Energy and Commerce, the former chairman of the committee, was invited to participate in this much heralded bipartisan agreement to which Mr. MCGOVERN has referred. And I guess the answer that I'm getting with all of this convoluted stuff is no. Well, you know what? Maybe I should yield to the distinguished former chairman of the Committee on Energy and Commerce to inquire of him. Mr. RANGEL and Mr. MCGOVERN seem to be unable to answer the question as to whether or not the distinguished former chairman, the ranking member, was invited to participate in this great bipartisan package that we've got. I'm happy to yield to my friend.

Mr. BARTON of Texas. The answer is no. I was allowed to testify at the Rules Committee last evening. That's the only formal opportunity I was ever given in the last 9 months on this bill.

Mr. DREIER. I thank my friend for enlightening us on that, Mr. Speaker, and I will simply say that that demonstrates that, as we've heard about this great quest for bipartisanship in dealing with an issue which should have been completely bipartisan, and was when the Republicans were in the majority, I will say. The American people were represented here in a bipartisan way in fashioning a State Children's Health Insurance Program, SCHIP, that had, first, a Democratic President, Bill Clinton, sign it, and it was a Republican work product.

It saddens me that today we now have a Democratic Congress and a Republican President, and this Republican President is going to veto the measure. Why? Because it dramatically expands the welfare state, undermines the ability for children who are truly in need to get it, and as was pointed out in an Energy and Commerce item, it's a reverse Robin Hood. It takes from the poor with a tax increase, the most regressive tax of all, as was stated by the Congressional Budget Office, and it gives to people who shouldn't even be able to qualify for this program.

And that is, I believe, just plain wrong. It is a mischaracterization of what we should see in a SCHIP program. Everybody wants to make this happen. Governors across the country wanted to make it happen. Of course, they want to have access to these resources. And Democrats and Republicans want to make it happen. But this is not the right bill. If Mr. BARTON had been able to participate, I'm convinced that we would have, Mr. Speaker, had a very decent bill on this.

Now, let me just say that the other thing that really troubles me is what we held our last vote on just a few minutes ago. Let me just very quickly, Mr. Speaker, say that we tried very, very hard at the beginning of this Congress to take the majority at their word when they said there was going to be a great new era of transparency and disclosure and accountability.

Well, 10 days ago, Mr. Speaker, we marked the first anniversary of our passing real earmark reform in this institution. What did it say? It said there would be transparency, accountability and disclosure on items, not just appropriations bills, but on authorizing bills and on tax bills. And, unfortunately, in this so-called new era of transparency and disclosure in this new Congress, we completely subvert the notion of transparency and disclosure on earmarks, as is evidenced in this bill.

When we in the Rules Committee last night saw the majority, and they all voted, we had a recorded vote on this. They chose to waive the provision that would have, in fact, had an opportunity for disclosure and accountability; and they voted, again, against it right here on the House floor. That's why, as was said by Mr. ROGERS earlier, we have a discharge petition so that we can do what we did last September 14, a year ago, and that is have real earmark reform.

Vote ''no'' on this rule and ''no'' on the underlying legislation.

Mr. MCGOVERN. Mr. Speaker, I'm sorry that the gentleman from California wasn't impressed with the names of the Republican legislators that I met who, I think, have impeccable conservative credentials. But this is a bipartisan effort. In fact, unlike when he was the chairman of the Rules Committee and his party was in control of Congress, bipartisanship now means more than just one Member of the opposing party.

Mr. Speaker, I would like to insert in the RECORD a letter that's in enthusiastic support of this bill sent to Speaker PELOSI signed by 16 other Republicans, and there are many, many more who I hope will support this bill.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 19, 2007.

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

MADAM SPEAKER: On September 30, 2007, authorization for the State Children's Health Insurance Program will expire, putting at risk the health insurance coverage of six million children. While the House has passed a controversial Medicare and SCHIP reauthorization bill largely along party lines, the Senate has passed bipartisan SCHIP reauthorization legislation without Medicare provisions. We urge you to take up the bipartisan Senate SCHIP bill to reauthorize the program before it expires at the end of the month.

The Senate legislation would reauthorize the program for five years and increase. the authorized funding for the program by $35 billion over that time. The funding would fully fund current program levels and allow for the enrollment of more eligible uninsured children into the program. The Congressional Budget Office estimated the Senate bill would decrease the number of uninsured children by 3.2 million.

We would be supportive of consideration of the Senate SCHIP bill and believe it is the best vehicle for extending the program expeditiously. The health of the nation's children is too important to delay.

Sincerely,

Heather Wilson, John M. McHugh, Mary Bono, Phil English, James T. Walsh, David Reichert, Jo Ann Emerson, Wayne T. Gilchrest, Ralph Regula, Tom Davis, Todd R. Platts, Jim Ramstad, Mark Kirk, Judy Biggert, Rick Renzi, — — —.

Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I've been on the Energy and Commerce Committee 10 years, and it was a dark day that we couldn't mark up this bill simply because the Republican minority wanted to read the bill for 2 days, and so we lost jurisdiction of it. It hurt the Energy and Commerce Committee. But it hurt this House. And that's what we're seeing in this House of Representatives.

We want to do things on a bipartisan basis. And there is not a closer friend I have in the House than JOE BARTON. But as ranking member, we were stuck there for 2 days and couldn't even amend the bill without reading the whole bill. So to pass it in August we had to get it out of the committee. And we didn't do that when we were the minority. We could have, but we also knew that the majority had to rule.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise with the same sadness that was manifested by the ranking member, Mr. DREIER of the Rules Committee, when he spoke about the fact that on an issue like this, if there is ever an issue where we should be able to come together and extend a program, it is this one.

But as we saw last night, with the long, thorough testimony before the Rules Committee, the excessively exclusivist process that has been engaged in by the majority really has affected, in a significant and unfortunate way, the product before us. And Mr. BARTON pointed out, as has already been explained, that he was excluded from the process. And for example, on an issue, despite the fact that it's a major expansion of SCHIP, that we're facing a major expansion here of SCHIP on a very important issue which is the inclusion, for example, of legal immigrant children, they have not been included. For example, that's why we have the National Hispanic Medical Association saying we do not support this legislation, this SCHIP bill that does not include legal immigrant children.

You have the National Hispanic Leadership Agenda: ''We cannot support legislation that extends health coverage to some children while explicitly excluding legal immigrant children.''

The National Council of La Raza: ''We are particularly disheartened that a congressional debate focused on expanding access to health care to children would perpetuate an exclusion for legal immigrants.''

Now, one thing would be, Mr. Speaker, if due to limited resources we were simply extending this program, a program that we all agree is so necessary and important. But to see an expansion of the program that excludes legal, and I reiterate, legal immigrant children and pregnant women is most unfortunate. That's why I would include into the RECORD, Mr. Speaker, these letters.

My distinguished friend Mr. PALLONE last night was saying, well, you know, some people in the Senate didn't want that; that's why we don't do it. Mr. BARTON pointed out in Rules that he would have been happy to be there supporting this provision for legal, and I repeat, legal immigrant children. Perhaps that would have been the difference in being able to solve this problem.

Again, exclusivist process leads to an unfortunate result in policy. If there's ever been an example of that, we're seeing it this afternoon. So I oppose this rule, Mr. Speaker, and, at this stage, this unsatisfactory product that is being brought before us and that we should vote down today.

NATIONAL COUNCIL OF LA RAZA,
Washington, DC, September 24, 2007.

DEAR MEMBER OF CONGRESS: The National Council of La Raza (NCLR), the largest Hispanic civil rights and advocacy organization in the U.S., urges you to vote ''No'' on the State Children's Health Insurance Program (SCHIP) reauthorization conference report, legislation that we had hoped to support. The SCHIP conference report deliberately deletes a provision previously approved by the House of Representatives to restore health care coverage for Latino and other legal immigrant children. We cannot support legislation that extends health coverage to some children while explicitly excluding legal immigrant children. We urge Congress to reject the conference report and go back to the drawing board to develop SCHIP reauthorization legislation which will provide health care coverage equitably.

Latino children, who represent two-fifths of uninsured children, are overwhelmingly disconnected from health coverage, so it remains essential for Congress to address the core barriers that prevent them from gaining access to health care. While we acknowledge that the bill has some provisions that will broaden coverage opportunities for some of America's children, including some Latinos, we are deeply dismayed that it fails to include the language of the ''Legal Immigrant Children's Health Improvement Act (Legal ICHIA),'' which was passed by the House of Representatives with widespread bipartisan support. This important proposal addresses arbitrary restrictions to Medicaid and SCHIP for legal immigrant children and pregnant women and has the potential to extend coverage for hundreds of thousands of vulnerable children.

We are particularly disheartened that a congressional debate which is focused on expanding access to health care to children would perpetuate an exclusion for legal immigrants. It is disingenuous to say to the Latino community that health care is being expanded when a significant proportion of our children are not included.

We cannot accept this unjust and unnecessary inequity. We urge you to oppose the SCHIP conference report and redraft a reauthorization which includes the provisions of ''Legal ICHIA.'' We will recommend that votes associated with this legislation are included in the National Hispanic Leadership Agenda (NHLA) congressional scorecard.

Sincerely,

JANET MURGUÍA
President and CEO.

NATIONAL HISPANIC LEADERSHIP AGENDA,
Washington, DC, September 24, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MAJORITY LEADER REID AND SPEAKER PELOSI: On behalf of the National Hispanic Leadership Agenda (NHLA), a nonpartisan coalition of 40 major national Hispanic organizations and distinguished leaders, representing 44 million Hispanics, we strongly urge you to include the Legal Immigrant Children's Health Improvement Act (Legal ICHIA) into the final State Children's Health Insurance Program (SCHIP) Conference Report.

Latino children, who represent two-fifths of all uninsured children, are overwhelmingly disenfranchised from health coverage, so it remains essential for Congress to address the core barriers that prevent them from gaining access to health care. Not including Legal ICHIA in the Report is a grave injustice to the thousands of legal immigrant children and pregnant women who will be affected by this exclusion. The ban on covering legal immigrant children who have not been in the U.S. for five years has resulted in high uninsurance rates and lack of preventative care for many Hispanic children. Lifting the restriction to public health care would provide assurance to many families that their children's health conditions could be treated before becoming chronic.

We cannot support legislation that extends health coverage to some children while explicitly excluding legal immigrant children. We urge you to reject the conference report and go back to the drawing board to develop SCHIP reauthorization legislation which will provide health care coverage equitably.

Sincerely,

RONALD BLACKBURN-MORENO,
Chair of the Board of Directors.

NATIONAL HISPANIC MEDICAL ASSOCIATION,
Washington, DC, September 24, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MAJORITY LEADER REID AND SPEAKER PELOSI: On behalf of the National Hispanic Medical Association (NHMA), a nonprofit association representing 36,000 licensed Hispanic physicians in the United States, we strongly urge you to demonstrate leadership and include the Legal Immigrant Children's Health Improvement Act (Legal ICHIA) into the final State Children's Health Insurance Program (SCHIP) bill.

The mission of NHMA is to improve the health of Hispanics and other underserved populations. We recognize that expansion of health insurance to legal immigrant children in the U.S. would allow a significant number of children to have access to health care that they desperately need in order to be better equipped to learn in school as well as to be able to grow developmentally into healthy adults. Since one in five Hispanic children is currently uninsured, and Hispanics represent the largest group of uninsured in the United States, inclusion of the Legal Immigrant Children's Health Improvement Act into the program is vital to increasing the enrollment numbers of Hispanic children.

In summary, the National Hispanic Medical Association strongly supports the inclusion of expanding access to health insurance for legal immigrant children and pregnant women that would ultimately, increase the quality of life of all Americans. We do not support an SCHIP bill that does not include Legal ICHIA.

Sincerely,

ELENA RIOS,
President and CEO.

Mr. MCGOVERN. Mr. Speaker, let me just say a couple of things with regard to process. The gentleman knows, everybody else knows, the gentleman should know that his Republican colleagues in the Senate blocked a motion to go to conference.

The SCHIP program expires in 6 days, and we don't have time for a House version of a filibuster. A dozen States will run out of SCHIP funding if we do not act. Now is the time to act. So if you want to make sure that those currently enrolled continue to get the health care coverage, then you've got to vote for this. And if you want more children to be enrolled, then you have to vote for this.

On the issue of legal immigrants, I agree. I think all of us here agree that the legal immigrants should be included. The reality is there were not enough Republicans who agree. The Republican leadership has been awful on this issue. And the Republicans in the Senate have said that adding a legal immigrant provision would have killed the bill in the Senate. That is the gentleman's party.

Let me also remind Members of this House that you had an opportunity to vote for an SCHIP that covered legal immigrants. That is what we voted on here in the House, and you all voted ''no.'' You voted ''no'' on that. You voted not to extend coverage for those legal immigrants in this country, those children of legal immigrants. So I'm not quite sure what you're trying to do here, other than trying to delay this process so we don't get this bill passed.

Mr. Speaker, I'd like to yield 3 minutes to the gentlewoman from California (Ms. MATSUI), a distinguished member of the Rules Committee.

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

Ms. MATSUI. Mr. Speaker, I rise in support of this rule and the underlying legislation, even though it does not do as much as I would like. In fact, less than 2 months ago I voted with a majority of this body for a bill that covered more children. It strengthened health care for millions of American citizens and restored fairness to our Medicare system and invested in preventive health.

Unfortunately, that bill cannot pass the Senate. And sometimes, in order to make change, we must compromise. Compromise is why we are here today,

Mr. Speaker. And though the bill before is us is not ideal, it is a step in the right direction.

It is rare that Members of Congress have the chance to provide health care to 4 million more children with one vote, but that is the opportunity we have today.

My district is like many others in this country. In my hometown of Sacramento, there are children who can see a doctor when they get sick. They go to a pediatrician and get a checkup or have their ear infection examined or their teeth cleaned regularly.

But there are also thousands of children in Sacramento who do not have this access, thousands of kids whose families cannot afford the huge cost of health insurance. These are children who cannot see a doctor until they're seriously ill, children who do not get the medical attention until they get to an emergency room. It is for these children, the thousands in Sacramento and the millions across the country, that we must pass this legislation today.

It is for these children that the President must sign this bill. If he vetoes it, he turns his back on 4 million more children in need. He will disregard the will of a clear majority of the American people.

Mr. Speaker, I stand before this House today as a colleague, but also as a proud grandmother. My two grandchildren are named Anna and Robby. Most of what I do in Congress is colored by how it will affect them and their generation.

Anna and Robby are fortunate. They have stable reliable health insurance. Millions of other children are not so lucky. Anna and Robby's peers are the reason I support this compromise bill, Mr. Speaker, even though it ignores many of the problems that the CHAMP Act addressed. Anna and Robby's peers are still the reason we should all support this bill, and they are the reason the President must sign it.

We'll return to this issue soon, Mr. Speaker. We'll finish what we began with the CHAMP Act. But for now, for the sake of millions of children in this country, I urge all my colleagues to support this rule and the underlying legislation.

□ 1630

Mr. SESSIONS. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Ennis, Texas, the ranking member on Energy and Commerce (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I am going to speak extemporaneously since my prepared remarks are in the RECORD. I remind the body that the Democratic majority took over the House and the Senate in January of this year. They set the schedule. They set the agenda. They decide what hearings are held. They decide what bills are marked up. They decide which issues come to the floor of both bodies. Not the Republicans.

It is insulting to sit here and be told that somehow when the same party, of which I am not a member, controls the agenda in both legislative bodies of this great Congress that somehow the Republicans are responsible for this late effort to reauthorize SCHIP.

I told the distinguished chairman of the Energy and Commerce Committee the day after the election last November, Mr. DINGELL of Michigan, that I was looking forward to working with him on SCHIP reauthorization, and while I don't know it as a fact, I am fairly certain that Mr. MCCRERY had a similar conversation with the distinguished chairman of the Ways and Means Committee, Mr. RANGEL of New York.

Now, how much bipartisan cooperation have we had in the House of Representatives? The answer is almost none. It is my understanding that Mr. RANGEL and Mr. MCCRERY did talk some in their committee, but in the Energy and Commerce Committee we held a number of generic hearings. We never held a hearing specifically on SCHIP. We never held a legislative markup in subcommittee. We never held a legislative hearing or markup in full committee. We got a 565-page bill the night before the scheduled markup, and it was take it or leave it. Well, we left it. And that bill passed the House, but barely.

What has happened since that bill passed? There have been discussions in the Senate between the Republicans and the Democrats apparently, and the House Democratic leadership have participated. But the House Republicans have not been allowed to participate. So what is the result of that? The result of that is a 300-page bill that the House Republicans saw at about 6:14 last evening and a Rules Committee in which it was voted to not give a Republican substitute, not give a Republican amendment, not even give a Republican motion to recommit.

So we are going to have twice now a major bill in which there is bipartisan support for is going to come to the House of Representatives with no Republican input, not even a motion to recommit.

Now, I don't know how many times the Republicans did that to the Democrats in the last several Congresses when we were in the majority, but I bet I could count them on the fingers of one hand, and I might be able to count them on the fingers of one finger.

Don't you think the American people deserve at least a substitute or a motion to recommit? Now, we are going to be given a chance later this evening to have 1 hour of debate, 1 hour of debate, and then an up-or-down vote, and we are going to get enough votes to sustain the President's veto, and maybe next week Mr. DINGELL and Mr. RANGEL and Ms. PELOSI will contact Mr. BOEHNER, Mr. BARTON, and Mr. MCCRERY, and we may yet get this bipartisan agreement. We may get it next week, and I hope we do. But I don't want the American people to be under any illusion. The bill that's coming before the floor tonight is a backroom deal that the most that can be said for it is that it does have money in it for the children of America, which we support. And there are lots of reforms that we probably support, too, if we are ever given the chance to have that discussion.

I would hope we would vote ''no'' on this rule, take it back to the Rules Committee, at least make a substitute or a motion to recommit in order, and put back in the rule in terms of earmarks. There are at least two earmarks that we know in the bill that nobody has talked about.

One of the earmarks is from the great State of Michigan, $1.2 billion over 10 years. It's just a gift of $1.2 billion for their FMAP program. And if that's not an earmark, I don't know what is. And under the Democratic leadership's own rule in this Congress, that should have at least been disclosed. And last night at the Rules Committee, they said there were no earmarks in the bill. And I believe when Ms. SLAUGHTER, the distinguished chairman, said that, she believed it. I don't think she knew it was in the bill. But it is. That at least ought to be corrected.

Vote ''no'' on the rule and send it back to the committee.

Mr. Speaker, this rule is an apt reflection of the underlying SCRIP legislation. Like the bill, it tramples democracy in a feckless commitment to bad politics over good policy. The House Democratic leadership wants to embarrass and weaken the President, and that goal is more important to them than extending health care to needy children.

So we're being instructed—not even asked—to swallow a multi-billion-dollar bill without having a legislative hearing at any level, without having a subcommittee markup and without having a conference. We're each supposed to analyze and comprehend a 299-page enigma that was unveiled last night. There'll be no amendments, of course, and no motion to recommit. This is getting to be a bad habit, isn't it?

Each of us represents several hundred thousand people, and most of them come from families that work hard and pay taxes. They do their part, and we should, too. But we can't do much more than voting object when we are not even able to know what's in the bills we're voting on.

Most of what we know about this SCHIP bill is what we hear in the halls and see in the newspapers. For some, that's enough because the harder we listen and the more we look, the more we discover that is troubling. What on earth is the $1.2 billion earmark for Michigan all about, anyway? And how many more like it are tucked away in this bill?

We cannot actually know most of what's in this bill, but we can suspect much. We can certainly suspect the State Children's Health Insurance Program grew from a fraction of the House SCHIP bill to become an entire pretend conference report. All we know for sure is that we're being asked to pass another major

piece of legislation based on blind faith and guesswork.

I wonder why we can't do now what we're surely going to do later—pass a simple extension of the SCRIP program and then have the honest public debate about policy changes that should have occurred over the last 10 months. Mr. DEAL and I propose to extend the authorization of SCRIP for an additional 18 months, and more than a hundred of our colleagues have agreed. There are no gimmicks, no budget trickery, no politics and no changes.

But the majority will want their pound of the President's flesh first. Everybody gets that, and maybe it won't work so well as they hope because, after all, everybody gets it. This rule and this legislation aren't about children or health. They are about a cynical exercise of raw power for the sake of a fleeting political advantage.

I wish the Democrats wouldn't do it this way, but I'm under no illusion that wishin' or hopin' will change the speaker's mind. I look forward to the President's inevitable veto because it will give us a chance to have a real discussion and write a transparent bill instead of foisting this mystery package on the taxpayers and the needy children of America.

We can work together and do this right, and I believe that eventually, we will. The best first step would be to reject this pathetic rule and start working on real legislation now instead of later.

Mr. MCGOVERN. Mr. Speaker, let me remind my colleagues that this program expires in 6 days and that the Republicans in the Senate blocked a motion to go to conference. That's why we are here. The other reason why we are here is we want to make sure that 10 million children in this country get health insurance.

Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from New York, the chairman of the Ways and Means Committee (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I want to support some of what Mr. BARTON has just said in terms of being critical about the manner in which this bill, albeit it helps 3½ million more children, how it got to the floor. And I also want to sympathize with him, having been the ranking member of Ways and Means when the Republicans were in charge, so I know what being excluded means. But I want to assure him that he was not excluded by the House leadership, not the House Democratic leadership and not the House Republican leadership. The criticism that so many people have about this bill is misfounded.

This is not the House bill. For those that are so sensitive about legal immigrants not being covered, you had an opportunity when the bill was in the House to vote for the House bill. And I hope for political reasons when you get back home, that vote was recorded the right way. But the reason it is not in this is because this is not the House bill.

And I want to tell Mr. BARTON that I was invited to go into the back room, but the back room was on the Senate side and it wasn't controlled by the Democratic leadership but by those Republicans who demanded that it be their way or the highway.

So you can debate all you want how you want to help or hurt the children, but don't be critical of the Democratic leadership in the House. Be critical of this bipartisan agreement on what? The Senate bill. And I have been assured by the majority whip of the majority leader in the Senate that he wanted to go to conference, and it would take 60 votes in order to beat a filibuster even for us to have a conference on the bill or perhaps we could have heard from the ranking member and others that would be appointed to the conference.

So the issue today is not how badly really the Republicans in the Senate handled this. They're in charge. They hold us hostage. You need 60 votes. You got a filibuster. So they have now capitulated to this bill that's now before us. And what is your decision? It is either you're going to help the kids or you're not. Either you're going to expand the coverage or you're not. And the President is not going to be in your district if you're lucky, but he doesn't have to explain anything if he vetoes.

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

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, it came up in the point of order about a question of an earmark, and it was raised by the Republican side that that earmark was in my district. And they questioned something that maybe I should have done.

The fact is that part of the bill is in my district. It's The Med, a public hospital that renders charity care to people in Tennessee, Mississippi, Arkansas, and the boothill of Missouri; a hospital almost out of business because of how much charity care that it renders to the folks in those States.

I have no interest in that hospital but that as a congressman who supports that hospital. No personal interest whatsoever. I have great political interest in it because it serves my constituents, the people of Mississippi, and Arkansas. It is questionable whether that is an earmark or not. It was put in with the help of people across the aisle, and I appreciate my Republican colleagues from the State of Tennessee who helped get this in the bill because they see the need to help folks from Mississippi and Arkansas get health care that is provided at The Med and is not reimbursed to The Med. They lost $20 million in funding last year, the citizens of Shelby County who provided that funding at The Med for people in Mississippi and Arkansas, and that funding should continue.

Patients don't stop at State lines and neither should funding. And all this provision does is allow States to request Medicaid reimbursement for their citizens being treated at The Med in Memphis, Tennessee, the ''City of Good Abode.'' I am proud to be a Congressman from Tennessee, and I am proud to represent The Med and take umbrage at any suggestion that I violated any rules in seeing that I worked with my colleagues from Tennessee on the Republican and Democrat side to see that this inequity was corrected.

Mr. SESSIONS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague of the Rules Committee for allowing me to speak.

I rise today in support of the legislation to reauthorize the SCHIP program. With 6 million American children currently eligible for the program and yet unenrolled, it is time we quit playing politics with their health care and start covering these children.

This bill accomplishes both of these goals and is a true bipartisan, at least in the Senate, bicameral effort that will result in nearly 4 million additional children receiving health insurance coverage under the SCHIP program. This bill wisely retains the House formula and the incentives for States to implement outreach and enrollment tools, which offered the best combination for finding and enrolling eligible children.

However, I have to express regret and disappointment that the bill did not include the House bill's guarantee that children in families earning less than 200 percent of the poverty level will have 12 months of continuous eligibility under SCHIP. The enrollment and outreach package includes an incentive for States to provide this eligibility guarantee. But for a State like mine, we need to ensure that the State of Texas does right by our Texas children and doesn't use that flexibility inherent in the program to kick these kids off the rolls on a budgetary whim. The 175,000 Texas children who were kicked off the rolls in 2003 know all too well of the State's willingness to balance the State budget on their backs, and I hoped that this bill would take away the State's ability to do that in the future.

But like most pieces of compromise legislation, we have to consider the totality of the bill, and the bill should be celebrated for all that it does accomplish.

I hope my colleagues will join me in supporting the legislation and sending a strong message to the President that we must abandon the partisan politics and reauthorize SCHIP for America's children whose parents are working but cannot afford or are not offered employer-based health insurance.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Georgia, Dr. GINGREY.

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

I rise today in opposition to this rule. It is the latest example of a long line of broken campaign promises made by this Democratic majority to conduct the most open, fair, and inclusive Congress in history. However, the Democrat majority has taken this opportunity yet again to shut out and alienate nearly half of the American population from the democratic process.

But I not only rise today in opposition to the rule but the underlying legislation as well. I do so because this massive expansion of an entitlement program is an irresponsible way to spend American taxpayers' hard-earned money.

Mr. Speaker, the legislation that we will be debating on the floor of the House today increases this government-run health care program far past its original intent to help low-income families purchase health care coverage for their children. The reality is this bill does not protect the most vulnerable amongst our children and citizens. Rather, it diverts these precious resources from those who most need it in order to cover adults and already privately insured children.

□ 1645

In fact, the extra $35 billion the Democrats are asking American families to pay for is aimed at a population, Mr. Speaker, where 77 percent of the children already have private health insurance coverage. These children would simply be transferred from private insurance coverage to a taxpayer-funded, government-controlled health care entitlement program.

So I wholeheartedly support the concept of the continuation of the SCHIP program, because as a physician for nearly 30 years, I acutely understand how quality health care is critical for our American children. And that's why I am a proud original cosponsor of H.R. 3584, the SCHIP Extension Act.

Mr. Speaker, this legislation looks to extend the current SCHIP program for 18 months, and it focuses the program and its funds on those individuals who really need it: low-income, uninsured American children.

I am also a cosponsor of the Barton-Deal alternative to this 140 percent massive 5-year Democratic expansion. Barton-Deal increases funding by 35 percent, and this is sufficient to cover the poor children who have fallen through the cracks; it is estimated to be 750,000 to 1 million kids. That covers it, Mr. Speaker.

So I, again, want to say that I am adamantly opposed to this legislation, not because I don't support SCHIP, but because this legislation irresponsibly spends American tax dollars. And I believe Congress can and should do a better job, because I believe the American taxpayers deserve better.

I urge all of my colleagues to vote ''no'' on this rule and the underlying legislation.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT) of the Committee on Ways and Means.

Mr. DOGGETT. Mr. Speaker, today's bill certainly does not do enough for America's children; but even too little is too much for President Bush, who seems intent on doing for America's children what he did as Governor for the children of Texas, condemning more and more of them to suffer without health insurance.

As Governor, Mr. Bush refused to lead for Texas children. Our children's health insurance was late, very late. And once we got it, he did all he could to see that as few children as possible were covered, even though the Federal Government was picking up almost 75 cents of every dollar of the bill. Texas has actually refused about $1 billion of Federal money to help our children. And by insisting on such neglect from the start, Mr. Bush has ensured that Texas has the proud record of being number one of all the 50 States in having the highest percentage of children with no health insurance.

Now in alliance with the nicotine peddlers opposing this bill, once again President Bush's greatest concern is that too many children will get insurance coverage. He actually demands that some children must wait an entire year with no insurance at all before they are eligible for CHIP coverage.

Why doesn't the child of a waitress, the child of a construction worker, the child of one of the many workers at a small business that can't afford to provide health insurance to their employees, why doesn't that child deserve a healthy start in life? Painful earaches, a strep throat, a cavity, they deserve swift treatment, not waiting. As President Bush so disdainfully said last month, just take them to the emergency room. It's that kind of indifference, combined with his record in Texas, that demonstrates indifference to the needs of our children and their health insurance as nothing new for our President. But if he prevails today, the number of children who will suffer without adequate health insurance will be even bigger than Texas.

He calls this approach compassionate conservatism. I think most Americans would just call it ''cheatin' children.''

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 1 minute to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, the Children's Health Insurance Program is pro-family and pro-work. It is pro-family because few things are more important to a family than the health of their children. It's pro-work because it says to those on welfare, if you will get a job and go to work, you won't lose your health care coverage for your children.

This bill is about helping those who are working hard to help themselves. By passing this bill, we can ensure that 4 million American children without health insurance will receive better health care.

All too often in years past, Congress has fought hard for powerful special interests for change. Today, we can stand up for the interest of America's children, and we should do it for their sake and for the future of our country.

As a father of two young sons, I hope every Member will ask him or herself just one question, how would I vote if this bill meant the difference between my own children having health care coverage or not? The lives of 4 million children will be affected by how we answer that question today, right now.

Vote ''yes'' to children's health care. It's the right thing to do.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the gentleman from Texas, a father and a patriot (Mr. HENSARLING).

Mr. HENSARLING. I thank my dear friend for yielding.

I rise in opposition to this rule. I find it somewhat ironic that apparently Members have 5 days to insert something into the RECORD, yet we have less than 24 hours to actually read a 300-page bill.

Mr. Speaker, maybe some people are confused about the debate. Those of us who have plowed through this bill are not. Make no mistake about it, this is a government-run, socialized health care wolf masquerading in the sheepskin of children's health care.

This is only the first battle in this Congress over who will control health care in America. Will it be parents, families and doctors? Or will be it Washington bureaucrats? That's what this debate is all about.

As one of my colleagues, the gentlelady from Oklahoma (Ms. FALLIN), said, and I'll paraphrase, the Democrats now want to turn over your health care, your family's health care to the same Federal Government that can't get you a passport, that can't keep illegal immigrants from crossing our border, and could not competently render aid after Hurricane Katrina. And that's who they want to give your family's health care to.

Now, again, the Democrats claim this is all about insuring low-income children. That debate is false because they know, Mr. Speaker, Medicaid takes care of the children at the poverty level in the current SCHIP program, takes care of the working poor. And today, the Democrats know they could get overwhelmingly bipartisan support if they would reauthorize that, but that's not what they're bringing to the floor. They're bringing us a program that will insure adults, insure families making up to $62,000 a year and in some cases $82,000 a year. And they do this by taxing working poor, by a massive tobacco tax that primarily falls upon families with less than $30,000 in income. That's right, Mr. Speaker, they're going to tax the working poor to give subsidies to those making up to $82,000 a year.

In order to finance this program, the Heritage Foundation has concluded they're going to need 22 million new

smokers over the next 10 years just to fund this program.

The Congressional Budget Office said that in effect they will also in this bill take family-chosen health care plans away from 2.1 million families and stick them with a government-run plan instead. They're taking children off of family-chosen health insurance and putting them in government-run plans.

Every American child deserves access to quality, affordable, accessible health care. They deserve the kind of health care that we in Congress and our children enjoy, but that's not what they're receiving here. Instead, in a matter of years, when mothers in America have sick children, they will wait weeks and months to see a marginally competent doctor chosen by a Washington bureaucrat that may or may not do anything to help their children. That's not the way it ought to be in America. We can do better.

Defeat this rule. Defeat this bill.

Mr. MCGOVERN. Mr. Speaker, at this time I would like to yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Massachusetts and the chairman of the full Committee on Ways and Means and the chairman of Energy and Commerce. This is correctly stated by the chairman of the Ways and Means: this is not the House bill.

I love our children. I have great concerns about this legislation, but I have more concerns about my Republican friends who are opposing this legislation, and I am outraged about the President's threat of a veto. Even this bill does not cover the 6 million children that we need to cover, it only covers 2.4 million. My friends, this is not Medicaid; this is SCHIP. This is for working men and women whose children don't have health insurance; 2.8 million are insured. We wanted 5 million, 6 million; but, no, we only have 2.8 million, 3.2 million left out.

And then, of course, there was the possibility of insuring some adults, the most vulnerable sick adults, under SCHIP with remaining monies. This bill does not do that. And then, of course, we look at individuals who are of legal immigrant status and we tell them they cannot be covered—these immigrants are here legally.

We also are asking people to come to the emergency room with a sick child with citizenship documentation. And let me say, this is for all of us. And so you have a sick child and you're looking for citizenship documentation. On the other hand, I am grateful that we have parity with dental and mental care for SCHIP children. And pregnant women are covered. And then we have the ability to enroll the children quickly, because one of the problems of SCHIP is that children are not enrolled. But the real crisis is no answer coming from the White House children's health care. The only thing coming from the White House is a veto pen.

So not only will 6 million children be left out in the cold, but the small number, 2.8 million, that was squeaking through the door will be thrown under the bus because we won't be able to cover them because a veto pen is waiting for us. We can do better. America is better than this.

I love our children. We need to do this in the right way. We certainly don't need a veto pen by the President of the United States. We should love our children and respond to their health needs.

Mr. Speaker, I rise to express my disappointment in the version of the State Children's Health Insurance Program Act of 2007 which has been brought before this body today. This bill, which has been largely driven by the Republicans in the Senate, falls far short of the mark to mend the broken pieces of our healthcare system and provide healthcare coverage for some of our most vulnerable populations in this country. Instead of covering an additional 6 million uninsured children, this bill increases coverage for 3 million, leaving 3 million children uninsured. This bill also fails to provide vision coverage and provides very little mental coverage for our children. Pregnant women may also suffer under this bill because this bill, unlike the previous House version, does not guarantee additional coverage for pregnant women. This bill also denies coverage to parents, college-aged adults, and legal immigrants who currently have coverage in some states.

This is extremely important because reauthorization of SCHIP is crucial to closing the racial and ethnic health disparities in this country. Narrowing health care coverage of our children, as this newly agreed upon version does, clearly falls far short of the goal that we had hoped for in our efforts to decrease health disparities. It is crucial that this Congress continue to bring awareness to the many health concerns facing minority communities and to acknowledge that we need to find solutions to address these concerns. My colleagues in the Congressional Black Caucus and I understand the very difficult challenges facing us in the form of huge health disparities among our community and other minority communities. We will continue to seek solutions to those challenges.

Reauthorization of the SCHIP bill is crucial to realizing those solutions. However, we must not compromise away the health of millions of children who will under this new SCHIP version go without healthcare coverage. It is imperative for us to improve the prospects for living long and healthy lives and fostering an ethic of wellness in African-American and other minority communities.

Looking at the statistics, we know that the lack of healthcare contributes greatly to the racial and ethnic health disparities in this country, so we must provide our children with the health insurance coverage to remain healthy. SCHIP, established in 1997 to serve as the healthcare safety net for low-income uninsured children, has decreased the number of uninsured low-income children in the United States by more than one-third. The reduction in the number of uninsured children is even more striking for minority children.

In 2006, SCHIP provided insurance to 6.7 million children. Of these, 6.2 million were in families whose income was less than $33,200 a year for a family of three. SCHIP works in conjunction with the Medicaid safety net that serves the lowest income children and ones with disabilities. Together, these programs provide necessary preventative, primary and acute healthcare services to more than 30 million children. Eighty-six percent of these children are in working families that are unable to obtain or afford private health insurance. Meanwhile, healthcare through SCHIP is cost effective: it costs a mere $3.34 a day or $100 a month to cover a child under SCHIP, according to the Congressional Budget Office. There are significant benefits of the State Children's Health Insurance Program when looking at specific populations served by this program.

Minority Children: SCHIP has had a dramatic effect in reducing the number of uninsured minority children and providing them access to care; Between 1996 and 2005, the percentage of low-income African American and Hispanic children without insurance decreased substantially; In 1998, roughly 30 percent of Latino children, 20 percent of African American children, and 18 percent of Asian American and Pacific Islander children were uninsured. After enactment, those numbers had dropped by 2004 to about 12 percent, and 8 percent, respectively; Half of all African American and Hispanic children are already covered by SCHIP or Medicaid; More than 80 percent of uninsured African American children and 70 percent of uninsured Hispanic children are eligible but not enrolled in Medicaid and SCHIP, so reauthorizing and increasing support for SCHIP will be crucial to insuring this population.

Prior to enrolling in SCHIP, African American and Hispanic children were much less likely than non-Hispanic White children to have a usual source of care. After they enrolled in SCHIP, these racial and ethnic disparities largely disappeared. In addition, SCHIP eliminated racial and ethnic disparities in unmet medical needs for African American and Hispanic children, putting them on par with White children. SCHIP is also important to children living in urban areas of the country. In urban areas: One in four children has health care coverage through SCHIP. More than half of all children whose family income is $32,180 received health care coverage through SCHIP.

Children in Urban Areas: SCHIP is also important to children living in urban areas of the country. In urban areas: One in four children has health care coverage through SCHIP. More than half of all children whose family income is $32,180 received healthcare coverage through SCHIP.

Children in Rural Communities: SCHIP is significantly important to children living in our country's rural areas. In rural areas: One in three children has health care coverage through SCHIP or more than half of all children whose family income is under $32,180 received healthcare coverage through Medicaid or SCHIP. Seventeen percent of children continue to be of the 50 counties with the highest rates of uninsured children, 44 are rural counties, with many located in the most remote and isolated parts of the country. Because the goal is to reduce the number of uninsured children, reauthorizing and increasing

support for SCHIP will be crucial to helping the uninsured in these counties and reducing the 17 percent of uninsured.

Mr. Speaker, I would much rather we extend the deadline for reauthorization of SCHIP, while we diligently and reasonably consider the unsettled issues in this debate so that millions of the most vulnerable population, including many African American and other minority children can receive the health care coverage they need to remain healthy and develop into productive citizens of this great country. It is not as important to reauthorize an inferior bill under pressure of fast-approaching deadlines, as it is to ensure that we provide health care to those children who remain vulnerable to health disparities. I urge my colleagues to join me in ensuring health care coverage for millions of children and reducing health disparities among the most vulnerable populations.

Mr. McGOVERN. Mr. Speaker, I would like to yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

I urge my colleagues to invest in our children's health by approving this bipartisan legislation.

It amazes me that the President of the United States can support testing our children in school repeatedly under No Child Left Behind, but doesn't think we should test them for hepatitis, let alone vaccinate them against the disease.

The President claims that everybody already has access to health care through the emergency room. This is not only callous; it's a terrible way to get health care and it is factually wrong. Every family does not have access.

Now, there are no surprises here in this legislation. No matter how often the President or some of his apologists here on the Republican side of the aisle say it, this is not a giveaway to the middle class; it's not socialized medicine. That's why 86 percent of our Governors, including 16 Republican Governors, support this legislation and are looking, actually, to use it to increase the number of vulnerable families who receive health care.

How can some claim that ours is the best health care system in the world when it is inaccessible to 10 million of our most vulnerable citizens, our children of working class families, none of whom can afford their own health care?

I urge my colleagues to take a stand, join this bipartisan consensus, vote to extend the program, and resist the President's veto.

Mr. McGOVERN. Mr. Speaker, at this time I would like to yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. Mr. Speaker, I am pleased to rise in support of this rule to reauthorize the Children's Health Insurance Program. It is critical that we pass this legislation, and with the funding for SCHIP program scheduled to expire in 5 days from now, it is critical that we pass it today.

SCHIP began in 1997 and has been a true success story. While the number of uninsured adults has steadily climbed over the past 10 years, currently 47 million Americans without health insurance, the number of uninsured children in our Nation has declined by nearly a third.

This program has made health insurance a reality for over 12,000 children in my home State of Rhode Island this year, the majority of them in families where one or more adults is part of the workforce. It is a critical component of health care delivery in Rhode Island, as it is across the country.

By reauthorizing the SCHIP program, we renew our national commitment to achieving the goal of insuring all children whose parents cannot afford private health insurance coverage.

I urge my colleagues to vote in favor of this rule which will allow us to preserve and strengthen this tremendously successful program. It is the compassionate thing to do, it's the right thing to do, and I urge my colleagues to support SCHIP reauthorization.

□ 1700

Mr. SESSIONS. Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to allow for consideration of H. Res. 479, a resolution that I call the ''Earmark Accountability Rule.'' It seems like we need a lot more accountability. We had to learn today that through a loophole that evidently we don't have to have all earmarks to be accounted for in the bills that come to this floor of the House of Representatives despite what we were told just a few months ago.

Last night in the ''Graveyard of Good Ideas,'' which is the Rules Committee, I made a motion that would have the Democrats enforce their own earmark proposal by allowing points of order regarding earmarks to be raised on this legislation. As expected, the vote failed along party lines with every Democrat member present voting to waive their own earmark rules for this bill. I am greatly disappointed in that outcome. So today I am giving the entire House, not just the nine Democrat members of the Rules Committee, whose word we are expected to take that this legislation contains no earmarks, an opportunity to correct that mistake.

This rules change would simply allow the House to debate openly and honestly about the validity and accuracy of earmarks contained in all bills, not just appropriations bills. If we defeat the previous question, we can address that problem today and restore this Congress' nonexistent credibility when it comes to the enforcement of its own rules.

I ask unanimous consent to have the text of this amendment and extraneous material appear in the RECORD just before the vote on the previous question.

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, today, once again, we have a rule that is on the floor of the House of Representatives that is neither open nor I think passes the standard of accountability to the American people nor fairness that they spoke about. Last night, the Rules Committee and minority received this bill just 1 hour and 15 minutes before the Rules Committee was to meet. It involved no feedback from Republican Members, especially those who have jurisdiction over this from the Energy and Commerce Committee.

I am disappointed. I am disappointed that, once again, we have to come to the floor of the House of Representatives after asking a straightforward question last night to the chairman of the Rules Committee, ''Are there any earmarks in this legislation? We think we found three,'' only to come to the floor today and find out, oops, no, we got a loophole, had to find a loophole.

This is crass. It is really politics over policy. I know many people want the United States House of Representatives to be higher in the polls. We are at 11 percent right now. People scratch their head and wonder why. Well, with the way that this House is running, not living up to their word, even the word in committee among colleagues who have been with each other for 9 years that I have been on the Rules Committee where a person looked right at me and said, ''There is nothing in that bill,'' I think we can do better.

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

Mr. McGOVERN. Mr. Speaker, let me begin by saying that this is a proud day for the House of Representatives. If we can pass the bill and send it to the President, that will guarantee 10 million children who don't have health insurance currently that they will get health insurance. That is something we can be proud of. That is an accomplishment. That is results.

We have heard a lot of excuses from the other side. A lot of my friends say, ''I love SCHIP, but I just don't want to vote for it. I love all of our children in this country. I believe everybody should have insurance, but I am not willing to vote to make sure that they have insurance.''

Well, Mr. Speaker, that doesn't cut it. The American people are sick of the stalling tactics. They are sick of the excuses. They are sick of the lack of results that they have seen in the area of making sure that everybody in this country gets health insurance. And that is one of the reasons why, I should tell the gentleman from Texas, why his party lost in the last election, because it was perceived by the American people that his party wasn't responding to the real challenges and the real needs of the American people, that they were indifferent to the plight of uninsured children across this country.

It is time to do the right thing, Mr. Speaker. As I said in the very beginning of this debate, the choice really is very simple, will you vote to provide health insurance to millions of children, or will you vote to take health insurance away from children who currently have it? This is the choice. Voting ''no'' or voting for all the procedural motions that the gentleman from Texas has put forward will basically result in children currently who have insurance losing that insurance, because the President's plan doesn't provide nearly enough money to cover those who are already enrolled in the program. But we need to do better.

The bottom line is that we are the richest country on the face of the Earth. It is unconscionable that every person in this country does not have health care. It is even more outrageous that our children don't have health insurance. It is, quite frankly, outrageous that the President of the United States is holding a veto threat over this bill, a bill to guarantee that more of our children have health insurance. Of all the things he could possibly veto, this is where he draws the line in the sand when it comes to making sure that our kids get the health care they deserve? It takes my breath away when I think that this is the issue that he chooses to have a fight over, health insurance for our children. I am grateful that there are Republicans who are going to join with us on this vote.

So, Mr. Speaker, I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 675 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 675, if ordered, and suspending the rules and agreeing to House Resolution 95.

The vote was taken by electronic device, and there were—yeas 218, nays 197, not voting 17, as follows:

[Roll No. 903]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
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
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
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
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
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
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
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
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Berry
Bishop (GA)
Blunt
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson, E. B.
Johnson, Sam
Jones (OH)
Poe
Putnam
Ross
Snyder

□ 1732

Messrs. DAVIS of Kentucky, LEWIS of California, and STEARNS changed their vote from ''yea'' to ''nay.''

Messrs. GENE GREEN of Texas, HIGGINS, and MOORE of Kansas changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SCHIFF). The question is on the resolution.

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

RECORDED VOTE

Mr. SESSIONS. 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 215, noes 199, answered ''present'' 2, not voting 16, as follows:

[Roll No. 904]

AYES—215

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
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
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
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
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
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
Hensarling
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
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
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Kaptur
Watson

NOT VOTING—16

Berry
Bishop (GA)
Blunt
Carson
Cubin
Davis (IL)
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson, E. B.
Johnson, Sam
Poe
Putnam
Ross
Snyder

□ 1741

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.

SUPPORTING THE GOALS AND IDEALS OF CAMPUS FIRE SAFETY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 95, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and agree to the resolution, H. Res. 95, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 26, as follows:

[Roll No. 905]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
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
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
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
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
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)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
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)
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—26

Berry
Bishop (GA)
Blumenauer
Blunt
Carson
Cleaver
Cubin
Davis (IL)
Davis, Jo Ann
DeFazio
Delahunt
Forbes
Herger
Jindal
Johnson, E. B.
Johnson, Sam
Moran (VA)
Murtha
Obey
Poe
Putnam
Ross
Rush
Snyder
Stark
Weldon (FL)

□ 1747

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PUTNAM. Mr. Speaker: on Tuesday, September 25, 2007, I had obligations that caused me to miss three votes. Had I been here, I would have voted: "nay" on the Previous Question on the Rule for H.R. 976 (SCHIP). "Nay" on the Rule for H.R. 976 (SCHIP). "Yea" on H. Res. 95 "Expressing the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month, and for other purposes."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 52, CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Ms. MATSUI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–348) on the resolution (H. Res. 677) providing for consideration of the joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2693, POPCORN WORKERS LUNG DISEASE PREVENTION ACT

Ms. MATSUI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–349) on the resolution (H. Res. 678) providing for consideration of the bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 48 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1837

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SCHIFF) at 6 o'clock and 37 minutes p.m.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. DINGELL. Mr. Speaker, pursuant to H. Res. 675, I call up from the Speaker's table the bill (H.R. 976) to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes, with Senate amendments thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Children's Health Insurance Program Reauthorization Act of 2007".

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO MEDICAID; CHIP; SECRETARY.—In this Act:

(1) CHIP.—The term "CHIP" means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) MEDICAID.—The term "Medicaid" means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

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

Sec. 1. Short title; amendments to Social Security Act; references; table of contents.

TITLE I—FINANCING OF CHIP

Sec. 101. Extension of CHIP.
Sec. 102. Allotments for the 50 States and the District of Columbia.
Sec. 103. One-time appropriation.
Sec. 104. Improving funding for the territories under CHIP and Medicaid.
Sec. 105. Incentive bonuses for States.
Sec. 106. Phase-out of coverage for nonpregnant childless adults under CHIP; conditions for coverage of parents.
Sec. 107. State option to cover low-income pregnant women under CHIP through a State plan amendment.
Sec. 108. CHIP Contingency fund.
Sec. 109. Two-year availability of allotments; expenditures counted against oldest allotments.
Sec. 110. Limitation on matching rate for States that propose to cover children with effective family income that exceeds 300 percent of the poverty line.
Sec. 111. Option for qualifying States to receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children.

TITLE II—OUTREACH AND ENROLLMENT

Sec. 201. Grants for outreach and enrollment.
Sec. 202. Increased outreach and enrollment of Indians.
Sec. 203. Demonstration program to permit States to rely on findings by an Express Lane agency to determine components of a child's eligibility for Medicaid or CHIP.
Sec. 204. Authorization of certain information disclosures to simplify health coverage determinations.

TITLE III—REDUCING BARRIERS TO ENROLLMENT

Sec. 301. Verification of declaration of citizenship or nationality for purposes of eligibility for Medicaid and CHIP.
Sec. 302. Reducing administrative barriers to enrollment.

TITLE IV—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

Sec. 401. Additional State option for providing premium assistance.
Sec. 402. Outreach, education, and enrollment assistance.

Subtitle B—Coordinating Premium Assistance With Private Coverage

Sec. 411. Special enrollment period under group health plans in case of termination of Medicaid or CHIP coverage or eligibility for assistance in purchase of employment-based coverage; coordination of coverage.

TITLE V—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES OF CHILDREN

Sec. 501. Child health quality improvement activities for children enrolled in Medicaid or CHIP.
Sec. 502. Improved information regarding access to coverage under CHIP.
Sec. 503. Application of certain managed care quality safeguards to CHIP.

TITLE VI—MISCELLANEOUS

Sec. 601. Technical correction regarding current State authority under Medicaid.
Sec. 602. Payment error rate measurement (''PERM'').
Sec. 603. Elimination of counting medicaid child presumptive eligibility costs against title XXI allotment.
Sec. 604. Improving data collection.
Sec. 605. Deficit Reduction Act technical corrections.
Sec. 606. Elimination of confusing program references.
Sec. 607. Mental health parity in CHIP plans.
Sec. 608. Dental health grants.
Sec. 609. Application of prospective payment system for services provided by Federally-qualified health centers and rural health clinics.
Sec. 610. Support for injured servicemembers.
Sec. 611. Military family job protection.
Sec. 612. Sense of Senate regarding access to affordable and meaningful health insurance coverage.
Sec. 613. Demonstraion projects relating to diabetes prevention.
Sec. 614. Outreach regarding health insurance options available to children.

TITLE VII—REVENUE PROVISIONS

Sec. 701. Increase in excise tax rate on tobacco products.
Sec. 702. Administrative improvements.
Sec. 703. Time for payment of corporate estimated taxes.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

TITLE I—FINANCING OF CHIP

SEC. 101. EXTENSION OF CHIP.

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(11) for fiscal year 2008, $9,125,000,000;

''(12) for fiscal year 2009, $10,675,000,000;

''(13) for fiscal year 2010, $11,850,000,000;

''(14) for fiscal year 2011, $13,750,000,000; and

''(15) for fiscal year 2012, for purposes of making 2 semi-annual allotments—

''(A) $1,750,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012, and

''(B) $1,750,000,000 for the period beginning on April 1, 2012, and ending on September 30, 2012.''.

SEC. 102. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd) is amended by adding at the end the following new subsection:

''(i) DETERMINATION OF ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA FOR FISCAL YEARS 2008 THROUGH 2012.—

''(1) COMPUTATION OF ALLOTMENT.—

''(A) IN GENERAL.—Subject to the succeeding paragraphs of this subsection, the Secretary shall for each of fiscal years 2008 through 2012 allot to each subsection (b) State from the available national allotment an amount equal to 110 percent of—

''(i) in the case of fiscal year 2008, the highest of the amounts determined under paragraph (2);

''(ii) in the case of each of fiscal years 2009 through 2011, the Federal share of the expenditures determined under subparagraph (B) for the fiscal year; and

''(iii) beginning with fiscal year 2012, subject to subparagraph (E), each semi-annual allotment determined under subparagraph (D).

''(B) PROJECTED STATE EXPENDITURES FOR THE FISCAL YEAR.—For purposes of subparagraphs (A)(ii) and (D), the expenditures determined under this subparagraph for a fiscal year are the projected expenditures under the State child health plan for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year).

''(C) AVAILABLE NATIONAL ALLOTMENT.—For purposes of this subsection, the term 'available national allotment' means, with respect to any fiscal year, the amount available for allotment under subsection (a) for the fiscal year, reduced by the amount of the allotments made for the fiscal year under subsection (c). Subject to paragraph (3)(B), the available national allotment with respect to the amount available under subsection (a)(15)(A) for fiscal year 2012 shall be increased by the amount of the appropriation for the period beginning on October 1 and ending on March 31 of such fiscal year under section 103 of the Children's Health Insurance Program Reauthorization Act of 2007.

''(D) SEMI-ANNUAL ALLOTMENTS.—For purposes of subparagraph (A)(iii), the semi-annual allotments determined under this paragraph with respect to a fiscal year are as follows:

''(i) For the period beginning on October 1 and ending on March 31 of the fiscal year, the Federal share of the portion of the expenditures determined under subparagraph (B) for the fiscal year which are allocable to such period.

''(ii) For the period beginning on April 1 and ending on September 30 of the fiscal year, the Federal share of the portion of the expenditures determined under subparagraph (B) for the fiscal year which are allocable to such period.

''(E) AVAILABILITY.—Each semi-annual allotment made under subparagraph (A)(iii) shall remain available for expenditure under this title for periods after the period specified in subparagraph (D) for purposes of determining the allotment in the same manner as the allotment would have been available for expenditure if made for an entire fiscal year.

''(2) SPECIAL RULE FOR FISCAL YEAR 2008.—

''(A) IN GENERAL.—For purposes of paragraph (1)(A)(i), the amounts determined under this paragraph for fiscal year 2008 are as follows:

''(i) The total Federal payments to the State under this title for fiscal year 2007, multiplied by the annual adjustment determined under subparagraph (B) for fiscal year 2008.

''(ii) The Federal share of the amount allotted to the State for fiscal year 2007 under subsection (b), multiplied by the annual adjustment determined under subparagraph (B) for fiscal year 2008.

''(iii) Only in the case of—

''(I) a State that received a payment, redistribution, or allotment under any of paragraphs (1), (2), or (4) of subsection (h), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary;

''(II) a State whose projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the May 2006 estimates certified by the State to the Secretary, were at least $95,000,000 but not more than $96,000,000 higher than the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the November 2006 estimates, the amount of the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the May 2006 estimates; or

''(III) a State whose projected total Federal payments under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary, exceeded all amounts available to the State for expenditure for fiscal year 2007 (including any amounts paid, allotted, or redistributed to the State in prior fiscal years), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary, multiplied by the annual adjustment determined under subparagraph (B) for fiscal year 2008.

''(iv) The projected total Federal payments to the State under this title for fiscal year 2008, as determined on the basis of the August 2007 projections certified by the State to the Secretary by not later than September 30, 2007.

''(B) ANNUAL ADJUSTMENT FOR HEALTH CARE COST GROWTH AND CHILD POPULATION GROWTH.—The annual adjustment determined under this subparagraph for a fiscal year with respect to a State is equal to the product of the amounts determined under clauses (i) and (ii):

''(i) PER CAPITA HEALTH CARE GROWTH.—1 plus the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the fiscal year involved over the preceding calendar year, as most recently published by the Secretary.

''(ii) CHILD POPULATION GROWTH.—1.01 plus the percentage change in the population of children under 19 years of age in the State from July 1 of the fiscal year preceding the fiscal year involved to July 1 of the fiscal year involved, as determined by the Secretary based on the most timely and accurate published estimates of the Bureau of the Census.

''(C) DEFINITION.—For purposes of subparagraph (B), the term 'fiscal year involved' means the fiscal year for which an allotment under this subsection is being determined.

''(D) PRORATION RULE.—If, after the application of this paragraph without regard to this subparagraph, the sum of the State allotments determined under this paragraph for fiscal year 2008 exceeds the available national allotment for fiscal year 2008, the Secretary shall reduce each such allotment on a proportional basis.

''(3) ALTERNATIVE ALLOTMENTS FOR FISCAL YEARS 2009 THROUGH 2012.—

''(A) IN GENERAL.—If the sum of the State allotments determined under paragraph (1)(A)(ii) for any of fiscal years 2009 through 2011 exceeds the available national allotment for the fiscal year, the Secretary shall allot to each subsection (b) State from the available national allotment for the fiscal year an amount equal to the product of—

''(i) the available national allotment for the fiscal year; and

''(ii) the percentage equal to the sum of the State allotment factors for the fiscal year determined under paragraph (4) with respect to the State.

''(B) SPECIAL RULES BEGINNING IN FISCAL YEAR 2012.—Beginning in fiscal year 2012—

''(i) this paragraph shall be applied separately with respect to each of the periods described in clauses (i) and (ii) of paragraph (1)(D) and the available national allotment for each such period shall be the amount appropriated for such period (rather than the amount appropriated for the entire fiscal year), reduced by the amount of the allotments made for the fiscal year under subsection (c) for each such period, and

''(ii) if—

''(I) the sum of the State allotments determined under paragraph (1)(A)(iii) for either such period exceeds the amount of such available national allotment for such period, the Secretary shall make the allotment for each State for such period in the same manner as under subparagraph (A), and

''(II) the amount of such available national allotment for either such period exceeds the sum of the State allotments determined under paragraph (1)(A)(iii) for such period, the Secretary shall increase the allotment for each State for such period by the amount that bears the same ratio to such excess as the State's allotment determined under paragraph (1)(A)(iii) for such period (without regard to this subparagraph) bears to the sum of such allotments for all States.

''(4) WEIGHTED FACTORS.—

''(A) FACTORS DESCRIBED.—For purposes of paragraph (3), the factors described in this subparagraph are the following:

''(i) PROJECTED STATE EXPENDITURES FOR THE FISCAL YEAR.—The ratio of the projected expenditures under the State child health plan for the fiscal year (as certified by the State to the Secretary by not later than August 31 of the preceding fiscal year) to the sum of the projected expenditures under all such plans for all subsection (b) States for the fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

''(ii) NUMBER OF LOW-INCOME CHILDREN IN THE STATE.—The ratio of the number of low-income children in the State, as determined on the basis of the most timely and accurate published estimates of the Bureau of the Census, to the sum of the number of low-income children so determined for all subsection (b) States for such fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

''(iii) PROJECTED STATE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.—The ratio of the projected expenditures under the State child health plan for the preceding fiscal year (as determined on the basis of the projections certified by the State to the Secretary for November of the fiscal year), to the sum of the projected expenditures under all such plans for all subsection (b) States for such preceding fiscal year (as so determined), multiplied by the applicable percentage weight assigned under subparagraph (B).

''(iv) ACTUAL STATE EXPENDITURES FOR THE SECOND PRECEDING FISCAL YEAR.—The ratio of the actual expenditures under the State child health plan for the second preceding fiscal year, as determined by the Secretary on the basis of expenditure data reported by States on CMS Form 64 or CMS Form 21, to such sum of the actual expenditures under all such plans for all subsection (b) States for such second preceding fiscal year, multiplied by the applicable percentage weight assigned under subparagraph (B).

''(B) ASSIGNMENT OF WEIGHTS.—For each of fiscal years 2009 through 2012, the applicable weights assigned under this subparagraph are the following:

''(i) With respect to the factor described in subparagraph (A)(i), a weight of 75 percent for each such fiscal year.

''(ii) With respect to the factor described in subparagraph (A)(ii), a weight of 12½ percent for each such fiscal year.

''(iii) With respect to the factor described in subparagraph (A)(iii), a weight of 7½ percent for each such fiscal year.

''(iv) With respect to the factor described in subparagraph (A)(iv), a weight of 5 percent for each such fiscal year.

''(5) DEMONSTRATION OF NEED FOR INCREASED ALLOTMENT BASED ON PROJECTED STATE EXPENDITURES EXCEEDING 10 PERCENT OF THE PRECEDING FISCAL YEAR ALLOTMENT.—

''(A) IN GENERAL.—If the projected expenditures under the State child health plan described in paragraph (1)(B) for any of fiscal years 2009 through 2012 are at least 10 percent more than the allotment determined for the State for the preceding fiscal year (determined without regard to paragraph (2)(D) or paragraph (3)), and, during the preceding fiscal year, the State did not receive approval for a State plan amendment or waiver to expand coverage under the State child health plan or did not receive a CHIP contingency fund payment under subsection (k)—

''(i) the State shall submit to the Secretary, by not later than August 31 of the preceding fiscal year, information relating to the factors that contributed to the need for the increase in the State's allotment for the fiscal year, as well as any other additional information that the Secretary may require for the State to demonstrate the need for the increase in the State's allotment for the fiscal year;

''(ii) the Secretary shall—

''(I) review the information submitted under clause (i);

''(II) notify the State in writing within 60 days after receipt of the information that—

''(aa) the projected expenditures under the State child health plan are approved or disapproved (and if disapproved, the reasons for disapproval); or

''(bb) specified additional information is needed; and

''(III) if the Secretary disapproved the projected expenditures or determined additional information is needed, provide the State with a reasonable opportunity to submit additional information to demonstrate the need for the increase in the State's allotment for the fiscal year.

''(B) PROVISIONAL AND FINAL ALLOTMENT.—In the case of a State described in subparagraph (A) for which the Secretary has not determined by September 30 of a fiscal year whether the State has demonstrated the need for the increase in the State's allotment for the succeeding fiscal year, the Secretary shall provide the State with a provisional allotment for the fiscal year equal to 110 percent of the allotment determined for the State under this subsection for the preceding fiscal year (determined without regard to paragraph (2)(D) or paragraph (3)), and may, not later than November 30 of the fiscal year, adjust the State's allotment (and the allotments of other subsection (b) States), as necessary (and, if applicable, subject to paragraph (3)), on the basis of information submitted by the State in accordance with subparagraph (A).

''(6) SPECIAL RULES.—

''(A) DEADLINE AND DATA FOR DETERMINING FISCAL YEAR 2008 ALLOTMENTS.—In computing the amounts under paragraph (2)(A) and subsection (c)(5)(A) that determine the allotments to subsection (b) States and territories for fiscal year 2008, the Secretary shall use the most recent data available to the Secretary before the start of that fiscal year. The Secretary may adjust such amounts and allotments, as necessary, on the basis of the expenditure data for the prior year reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2007, but in no case shall the Secretary adjust the allotments provided under paragraph (2)(A) or subsection (c)(5)(A) for fiscal year 2008 after December 31, 2007.

''(B) INCLUSION OF CERTAIN EXPENDITURES.—

''(i) PROJECTED EXPENDITURES OF QUALIFYING STATES.—Payments made or projected to be made to a qualifying State described in paragraph (2) of section 2105(g) for expenditures described in paragraph (1)(B)(ii) or (4)(B) of that section shall be included for purposes of determining the projected expenditures described in paragraph (1)(B) with respect to the allotments determined for each of fiscal years 2009 through 2012 and for purposes of determining the amounts described in clauses (i) and (iv) of paragraph (2)(A) with respect to the allotments determined for fiscal year 2008.

''(ii) PROJECTED EXPENDITURES UNDER BLOCK GRANT SET-ASIDES FOR NONPREGNANT CHILDLESS ADULTS AND PARENTS.—Payments projected to be made to a State under subsection (a) or (b) of section 2111 shall be included for purposes of determining the projected expenditures described in paragraph (1)(B) with respect to the allotments determined for each of fiscal years 2009 through 2012 (to the extent such payments are permitted under such section), including for purposes of allocating such expenditures for purposes of clauses (i) and (ii) of paragraph (1)(D).

''(7) SUBSECTION (b) STATE.—In this subsection, the term 'subsection (b) State' means 1 of the 50 States or the District of Columbia.''.

(b) CONFORMING AMENDMENTS.—Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (a), by striking ''subsection (d)'' and inserting ''subsections (d), (h), and (i)'';

(2) in subsection (b)(1), by striking ''subsection (d)'' and inserting ''subsections (d), (h), and (i)''; and

(3) in subsection (c)(1), by striking ''subsection (d)'' and inserting ''subsections (d), (h), and (i)''.

SEC. 103. ONE-TIME APPROPRIATION.

There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $12,500,000,000 to accompany the allotment made for the period beginning on October

1, 2011, and ending on March 31, 2012, under section 2104(a)(15)(A) of the Social Security Act (42 U.S.C. 1397dd(a)(15)(A)) (as added by section 101), to remain available until expended. Such amount shall be used to provide allotments to States under subsections (c)(5) and (i) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for the first 6 months of fiscal year 2012 in the same manner as allotments are provided under subsection (a)(15)(A) of such section and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(15)(A).

SEC. 104. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.

(a) UPDATE OF CHIP ALLOTMENTS.—Section 2104(c) (42 U.S.C. 1397dd(c)) is amended—

(1) in paragraph (1), by inserting ''and paragraphs (5) and (6)'' after ''and (i)''; and

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

''(5) ANNUAL ALLOTMENTS FOR TERRITORIES BEGINNING WITH FISCAL YEAR 2008.—Of the total allotment amount appropriated under subsection (a) for a fiscal year beginning with fiscal year 2008, the Secretary shall allot to each of the commonwealths and territories described in paragraph (3) the following:

''(A) FISCAL YEAR 2008.—For fiscal year 2008, the highest amount of Federal payments to the commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1998 through 2007, multiplied by the annual adjustment determined under subsection (i)(2)(B) for fiscal year 2008, except that clause (ii) thereof shall be applied by substituting 'the United States' for 'the State'.

''(B) FISCAL YEARS 2009 THROUGH 2012.—

''(i) IN GENERAL.—For each of fiscal years 2009 through 2012, except as provided in clause (ii), the amount determined under this paragraph for the preceding fiscal year multiplied by the annual adjustment determined under subsection (i)(2)(B) for the fiscal year, except that clause (ii) thereof shall be applied by substituting 'the United States' for 'the State'.

''(ii) SPECIAL RULE FOR FISCAL YEAR 2012.—In the case of fiscal year 2012—

''(I) 89 percent of the amount allocated to the commonwealth or territory for such fiscal year (without regard to this subclause) shall be allocated for the period beginning on October 1, 2011, and ending on March 31, 2012, and

''(II) 11 percent of such amount shall be allocated for the period beginning on April 1, 2012, and ending on September 30, 2012.''.

(b) REMOVAL OF FEDERAL MATCHING PAYMENTS FOR DATA REPORTING SYSTEMS FROM THE OVERALL LIMIT ON PAYMENTS TO TERRITORIES UNDER TITLE XIX.—Section 1108(g) (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

''(4) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.—With respect to fiscal years beginning with fiscal year 2008, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i), (B), or (F) of section 1903(a)(3) for a calendar quarter of such fiscal year, the payment shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), and (3) of this subsection) to such commonwealth or territory for such fiscal year.''.

(c) GAO STUDY AND REPORT.—Not later than September 30, 2009, the Comptroller General of the United States shall submit a report to the appropriate committees of Congress regarding Federal funding under Medicaid and CHIP for Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The report shall include the following:

(1) An analysis of all relevant factors with respect to—

(A) eligible Medicaid and CHIP populations in such commonwealths and territories;

(B) historical and projected spending needs of such commonwealths and territories and the ability of capped funding streams to respond to those spending needs;

(C) the extent to which Federal poverty guidelines are used by such commonwealths and territories to determine Medicaid and CHIP eligibility; and

(D) the extent to which such commonwealths and territories participate in data collection and reporting related to Medicaid and CHIP, including an analysis of territory participation in the Current Population Survey versus the American Community Survey.

(2) Recommendations for improving Federal funding under Medicaid and CHIP for such commonwealths and territories.

SEC. 105. INCENTIVE BONUSES FOR STATES.

(a) IN GENERAL.—Section 2104 (42 U.S.C. 1397dd), as amended by section 102, is amended by adding at the end the following new subsection:

''(j) INCENTIVE BONUSES.—

''(1) ESTABLISHMENT OF INCENTIVE POOL FROM UNOBLIGATED NATIONAL ALLOTMENT AND UNEXPENDED STATE ALLOTMENTS.—

''(A) IN GENERAL.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'CHIP Incentive Bonuses Pool' (in this subsection referred to as the 'Incentive Pool'). Amounts in the Incentive Pool are authorized to be appropriated for payments under this subsection and shall remain available until expended.

''(B) DEPOSITS THROUGH INITIAL APPROPRIATION AND TRANSFERS OF FUNDS.—

''(i) INITIAL APPROPRIATION.—There is appropriated to the Incentive Pool, out of any money in the Treasury not otherwise appropriated, $3,000,000,000 for fiscal year 2008.

''(ii) TRANSFERS.—Notwithstanding any other provision of law, the following amounts are hereby appropriated or transferred to, deposited in, and made available for expenditure from the Incentive Pool on the following dates:

''(I) UNEXPENDED FISCAL YEAR 2006 AND 2007 ALLOTMENTS.—On December 31, 2007, the sum for all States of the excess (if any) for each State of—

''(aa) the aggregate allotments provided for the State under subsection (b) or (c) for fiscal years 2006 and 2007 that are not expended by September 30, 2007, over

''(bb) an amount equal to 50 percent of the allotment provided for the State under subsection (c) or (i) for fiscal year 2008 (as determined in accordance with subsection (i)(6)).

''(II) UNOBLIGATED NATIONAL ALLOTMENT.—

''(aa) FISCAL YEARS 2008 THROUGH 2011.—On December 31 of fiscal year 2008, and on December 31 of each succeeding fiscal year through fiscal year 2011, the portion, if any, of the amount appropriated under subsection (a) for such fiscal year that is unobligated for allotment to a State under subsection (c) or (i) for such fiscal year or set aside under subsection (a)(3) or (b)(2) of section 2111 for such fiscal year.

''(bb) FIRST HALF OF FISCAL YEAR 2012.—On December 31 of fiscal year 2012, the portion, if any, of the sum of the amounts appropriated under subsection (a)(15)(A) and under section 103 of the Children's Health Insurance Program Reauthorization Act of 2007 for the period beginning on October 1, 2011, and ending on March 31, 2012, that is unobligated for allotment to a State under subsection (c) or (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

''(cc) SECOND HALF OF FISCAL YEAR 2012.—On June 30 of fiscal year 2012, the portion, if any, of the amount appropriated under subsection (a)(15)(B) for the period beginning on April 1, 2012, and ending on September 30, 2012, that is unobligated for allotment to a State under subsection (c) or (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

''(III) PERCENTAGE OF STATE ALLOTMENTS THAT ARE UNEXPENDED BY THE END OF THE FIRST YEAR OF AVAILABILITY BEGINNING WITH THE FISCAL YEAR 2009 ALLOTMENTS.—On October 1 of each of fiscal years 2009 through 2012, the sum for all States for such fiscal year (the 'current fiscal year') of the excess (if any) for each State of—

''(aa) the allotment made for the State under subsection (b), (c), or (i) for the fiscal year preceding the current fiscal year (reduced by any amounts set aside under section 2111(a)(3)) that is not expended by the end of such preceding fiscal year, over

''(bb) an amount equal to the applicable percentage (for the fiscal year) of the allotment made for the State under subsection (b), (c), or (i) (as so reduced) for such preceding fiscal year.

For purposes of item (bb), the applicable percentage is 20 percent for fiscal year 2009, and 10 percent for each of fiscal years 2010, 2011, and 2012.

''(IV) REMAINDER OF STATE ALLOTMENTS THAT ARE UNEXPENDED BY THE END OF THE PERIOD OF AVAILABILITY BEGINNING WITH THE FISCAL YEAR 2006 ALLOTMENTS.—On October 1 of each of fiscal years 2009 through 2012, the total amount of allotments made to States under subsection (b), (c), or (i) for the second preceding fiscal year (third preceding fiscal year in the case of the fiscal year 2006 allotments) and remaining after the application of subclause (III) that are not expended by September 30 of the preceding fiscal year.

''(V) UNEXPENDED TRANSITIONAL COVERAGE BLOCK GRANT FOR NONPREGNANT CHILDLESS ADULTS.—On October 1, 2009, any amounts set aside under section 2111(a)(3) that are not expended by September 30, 2009.

''(VI) EXCESS CHIP CONTINGENCY FUNDS.—

''(aa) AMOUNTS IN EXCESS OF THE AGGREGATE CAP.—On October 1 of each of fiscal years 2010 through 2012, any amount in excess of the aggregate cap applicable to the CHIP Contingency Fund for the fiscal year under subsection (k)(2)(B).

''(bb) UNEXPENDED CHIP CONTINGENCY FUND PAYMENTS.—On October 1 of each of fiscal years 2010 through 2012, any portion of a CHIP Contingency Fund payment made to a State that remains unexpended at the end of the period for which the payment is available for expenditure under subsection (e)(3).

''(VII) EXTENSION OF AVAILABILITY FOR PORTION OF UNEXPENDED STATE ALLOTMENTS.—The portion of the allotment made to a State for a fiscal year that is not transferred to the Incentive Pool under subclause (I) or (III) shall remain available for expenditure by the State only during the fiscal year in which such transfer occurs, in accordance with subclause (IV) and subsection (e)(4).

''(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Incentive Pool as are not immediately required for payments from the Pool. The income derived from these investments constitutes a part of the Incentive Pool.

''(2) PAYMENTS TO STATES INCREASING ENROLLMENT.—

''(A) IN GENERAL.—Subject to paragraph (3)(D), with respect to each of fiscal years 2009 through 2012, the Secretary shall make payments to States from the Incentive Pool determined under subparagraph (B).

''(B) DETERMINATION OF PAYMENTS.—If, for any coverage period ending in a fiscal year ending after September 30, 2008, the average monthly enrollment of children in the State plan under title XIX exceeds the baseline monthly average for such period, the payment made for the fiscal year shall be equal to the applicable amount determined under subparagraph (C).

''(C) APPLICABLE AMOUNT.—For purposes of subparagraph (B), the applicable amount is the product determined in accordance with the following:

''(i) If such excess with respect to the number of individuals who are enrolled in the State plan

under title XIX does not exceed 2 percent, the product of $75 and the number of such individuals included in such excess.

''(ii) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX exceeds 2, but does not exceed 5 percent, the product of $300 and the number of such individuals included in such excess, less the amount of such excess calculated in clause (i).

''(iii) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX exceeds 5 percent, the product of $625 and the number of such individuals included in such excess, less the sum of the amount of such excess calculated in clauses (i) and (ii).

''(D) INDEXING OF DOLLAR AMOUNTS.—For each coverage period ending in a fiscal year ending after September 30, 2009, the dollar amounts specified in subparagraph (C) shall be increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year beginning on January 1 of the coverage period over the preceding coverage period, as most recently published by the Secretary before the beginning of the coverage period involved.

''(3) RULES RELATING TO ENROLLMENT INCREASES.—For purposes of paragraph (2)(B)—

''(A) BASELINE MONTHLY AVERAGE.—Except as provided in subparagraph (C), the baseline monthly average for any fiscal year for a State is equal to—

''(i) the baseline monthly average for the preceding fiscal year; multiplied by

''(ii) the sum of 1 plus the sum of—

''(I) 0.01; and

''(II) the percentage increase in the population of low-income children in the State from the preceding fiscal year to the fiscal year involved, as determined by the Secretary based on the most timely and accurate published estimates of the Bureau of the Census before the beginning of the fiscal year involved.

''(B) COVERAGE PERIOD.—Except as provided in subparagraph (C), the coverage period for any fiscal year consists of the last 2 quarters of the preceding fiscal year and the first 2 quarters of the fiscal year.

''(C) SPECIAL RULES FOR FISCAL YEAR 2009.—With respect to fiscal year 2009—

''(i) the coverage period for that fiscal year shall be based on the first 2 quarters of fiscal year 2009; and

''(ii) the baseline monthly average shall be—

''(I) the average monthly enrollment of low-income children enrolled in the State's plan under title XIX for the first 2 quarters of fiscal year 2007 (as determined over a 6-month period on the basis of the most recent information reported through the Medicaid Statistical Information System (MSIS)); multiplied by

''(II) the sum of 1 plus the sum of—

''(aa) 0.02; and

''(bb) the percentage increase in the population of low-income children in the State from fiscal year 2007 to fiscal year 2009, as determined by the Secretary based on the most timely and accurate published estimates of the Bureau of the Census before the beginning of the fiscal year involved.

''(D) ADDITIONAL REQUIREMENT FOR ELIGIBILITY FOR PAYMENT.—For purposes of subparagraphs (B) and (C), the average monthly enrollment shall be determined without regard to children who do not meet the income eligibility criteria in effect on July 19, 2007, for enrollment under the State plan under title XIX or under a waiver of such plan.

''(4) TIME OF PAYMENT.—Payments under paragraph (2) for any fiscal year shall be made during the last quarter of such year.

''(5) USE OF PAYMENTS.—Payments made to a State from the Incentive Pool shall be used for any purpose that the State determines is likely to reduce the percentage of low-income children in the State without health insurance.

''(6) PRORATION RULE.—If the amount available for payment from the Incentive Pool is less than the total amount of payments to be made for such fiscal year, the Secretary shall reduce the payments described in paragraph (2) on a proportional basis.

''(7) REFERENCES.—With respect to a State plan under title XIX, any references to a child in this subsection shall include a reference to any individual provided medical assistance under the plan who has not attained age 19 (or, if a State has so elected under such State plan, age 20 or 21).''.

(b) REDISTRIBUTION OF UNEXPENDED FISCAL YEAR 2005 ALLOTMENTS.—Notwithstanding section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)), with respect to fiscal year 2008, the Secretary shall provide for a redistribution under such section from the allotments for fiscal year 2005 under subsection (b) and (c) of such section that are not expended by the end of fiscal year 2007, to each State described in clause (iii) of section 2104(i)(2)(A) of the Social Security Act, as added by section 102(a), of an amount that bears the same ratio to such unexpended fiscal year 2005 allotments as the ratio of the fiscal year 2007 allotment determined for each such State under subsection (b) of section 2104 of such Act for fiscal year 2007 (without regard to any amounts paid, allotted, or redistributed to the State under section 2104 for any preceding fiscal year) bears to the total amount of the fiscal year 2007 allotments for all such States (as so determined).

(c) CONFORMING AMENDMENT ELIMINATING RULES FOR REDISTRIBUTION OF UNEXPENDED ALLOTMENTS FOR FISCAL YEARS AFTER 2005.—Effective January 1, 2008, section 2104(f) (42 U.S.C. 1397dd(f)) is amended to read as follows:

''(f) UNALLOCATED PORTION OF NATIONAL ALLOTMENT AND UNUSED ALLOTMENTS.—For provisions relating to the distribution of portions of the unallocated national allotment under subsection (a) for fiscal years beginning with fiscal year 2008, and unexpended allotments for fiscal years beginning with fiscal year 2006, see subsection (j).''.

(d) ADDITIONAL FUNDING FOR THE SECRETARY TO IMPROVE TIMELINESS OF DATA REPORTING AND ANALYSIS FOR PURPOSES OF DETERMINING ENROLLMENT INCREASES UNDER MEDICAID AND CHIP.—

(1) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 to the Secretary for fiscal year 2008 for the purpose of improving the timeliness of the data reported and analyzed from the Medicaid Statistical Information System (MSIS) for purposes of carrying out section 2104(j)(2)(B) of the Social Security Act (as added by subsection (a)) and to provide guidance to States with respect to any new reporting requirements related to such improvements. Amounts appropriated under this paragraph shall remain available until expended.

(2) REQUIREMENTS.—The improvements made by the Secretary under paragraph (1) shall be designed and implemented (including with respect to any necessary guidance for States) so that, beginning no later than October 1, 2008, data regarding the enrollment of low-income children (as defined in section 2110(c)(4) of the Social Security Act (42 U.S.C. 1397jj(c)(4)) of a State enrolled in the State plan under Medicaid or the State child health plan under CHIP with respect to a fiscal year shall be collected and analyzed by the Secretary within 6 months of submission.

SEC. 106. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.

(a) PHASE-OUT RULES.—

(1) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

''SEC. 2111. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS; CONDITIONS FOR COVERAGE OF PARENTS.

''(a) TERMINATION OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

''(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH FISCAL YEAR 2008.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

''(A) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult; and

''(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2008, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

''(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF FISCAL YEAR 2008.—

''(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant childless adult under an applicable existing waiver after September 30, 2008.

''(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2008, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only through September 30, 2008.

''(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during fiscal year 2008.

''(3) OPTIONAL 1-YEAR TRANSITIONAL COVERAGE BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Subject to paragraph (4)(B), each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may elect to provide nonpregnant childless adults who were provided child health assistance or health benefits coverage under the applicable existing waiver at any time during fiscal year 2008 with such assistance or coverage during fiscal year 2009, as if the authority to provide such assistance or coverage under an applicable existing waiver was extended through that fiscal year, but subject to the following terms and conditions:

''(A) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—The Secretary shall set aside for the State an amount equal to the Federal share of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all nonpregnant childless adults under such waiver for fiscal year 2008 (as certified by the State and submitted to the Secretary by not later than August 31, 2008, and without regard to whether any such individual lost coverage during fiscal year 2008 and was later provided child health assistance or other health benefits coverage under the waiver in that fiscal year), increased by the annual adjustment for fiscal year 2009 determined under section 2104(i)(2)(B)(i). The Secretary may adjust the amount set aside under the preceding sentence, as necessary, on the basis of the expenditure data for fiscal year 2008 reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2008, but in no case shall the Secretary adjust such amount after December 31, 2008.

''(B) NO COVERAGE FOR NONPREGNANT CHILDLESS ADULTS WHO WERE NOT COVERED DURING FISCAL YEAR 2008.—

''(i) FMAP APPLIED TO EXPENDITURES.—The Secretary shall pay the State for each quarter of fiscal year 2009, from the amount set aside under subparagraph (A), an amount equal to the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) of expenditures in the quarter for providing child health assistance or other health benefits coverage to a nonpregnant childless adult but only if such adult was enrolled in the State program under this title during fiscal year 2008 (without regard to whether the individual lost coverage during fiscal year 2008 and was reenrolled in that fiscal year or in fiscal year 2009).

''(ii) FEDERAL PAYMENTS LIMITED TO AMOUNT OF BLOCK GRANT SET-ASIDE.—No payments shall be made to a State for expenditures described in this subparagraph after the total amount set aside under subparagraph (A) for fiscal year 2009 has been paid to the State.

''(4) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

''(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than June 30, 2009, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a 'Medicaid nonpregnant childless adults waiver').

''(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of September 30, 2009, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by June 30, 2009, the application shall be deemed approved.

''(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

''(i) in the case of fiscal year 2010, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (3)(B) for fiscal year 2009, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for calendar year 2010 over calendar year 2009, as most recently published by the Secretary; and

''(ii) in the case of any succeeding fiscal year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding fiscal year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the fiscal year involved over the preceding calendar year, as most recently published by the Secretary.

''(b) RULES AND CONDITIONS FOR COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.—

''(1) TWO-YEAR TRANSITION PERIOD; AUTOMATIC EXTENSION AT STATE OPTION THROUGH FISCAL YEAR 2009.—

''(A) NO NEW CHIP WAIVERS.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

''(i) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007 approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a parent of a targeted low-income child; and

''(ii) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2009, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

''(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2009, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only, subject to paragraph (2)(A), through September 30, 2009.

''(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a parent of a targeted low-income child during fiscal years 2008 and 2009.

''(2) RULES FOR FISCAL YEARS 2010 THROUGH 2012.—

''(A) PAYMENTS FOR COVERAGE LIMITED TO BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Any State that provides child health assistance or health benefits coverage under an applicable existing waiver for a parent of a targeted low-income child may elect to continue to provide such assistance or coverage through fiscal year 2010, 2011, or 2012, subject to the same terms and conditions that applied under the applicable existing waiver, unless otherwise modified in subparagraph (B).

''(B) TERMS AND CONDITIONS.—

''(i) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—If the State makes an election under subparagraph (A), the Secretary shall set aside for the State for each such fiscal year an amount equal to the Federal share of 110 percent of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all parents of targeted low-income children enrolled under such waiver for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year). In the case of fiscal year 2012, the set aside for any State shall be computed separately for each period described in clauses (i) and (ii) of subsection (i))(1)(D) and any increase or reduction in the allotment for either such period under subsection (i)(3)(B)(ii) shall be allocated on a pro rata basis to such set aside.

''(ii) PAYMENTS FROM BLOCK GRANT.—The Secretary shall pay the State from the amount set aside under clause (i) for the fiscal year, an amount for each quarter of such fiscal year equal to the applicable percentage determined under clause (iii) or (iv) for expenditures in the quarter for providing child health assistance or other health benefits coverage to a parent of a targeted low-income child.

''(iii) ENHANCED FMAP ONLY IN FISCAL YEAR 2010 FOR STATES WITH SIGNIFICANT CHILD OUTREACH OR THAT ACHIEVE CHILD COVERAGE BENCHMARKS; FMAP FOR ANY OTHER STATES.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2010 is equal to—

''(I) the enhanced FMAP determined under section 2105(b) in the case of a State that meets the outreach or coverage benchmarks described in any of subparagraphs (A), (B), or (C) of paragraph (3) for fiscal year 2009; or

''(II) the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) in the case of any other State.

''(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

''(I) the REMAP percentage if—

''(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

''(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

''(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

For purposes of subclause (I), the REMAP percentage is the percentage which is the sum of such Federal medical assistance percentage and a number of percentage points equal to one-half of the difference between such Federal medical assistance percentage and such enhanced FMAP.

''(v) NO FEDERAL PAYMENTS OTHER THAN FROM BLOCK GRANT SET ASIDE.—No payments shall be made to a State for expenditures described in clause (ii) after the total amount set aside under clause (i) for a fiscal year has been paid to the State.

''(vi) NO INCREASE IN INCOME ELIGIBILITY LEVEL FOR PARENTS.—No payments shall be made to a State from the amount set aside under clause (i) for a fiscal year for expenditures for providing child health assistance or health benefits coverage to a parent of a targeted low-income child whose family income exceeds the income eligibility level applied under the applicable existing waiver to parents of targeted low-income children on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

''(3) OUTREACH OR COVERAGE BENCHMARKS.—For purposes of paragraph (2), the outreach or coverage benchmarks described in this paragraph are as follows:

''(A) SIGNIFICANT CHILD OUTREACH CAMPAIGN.—The State—

''(i) was awarded a grant under section 2113 for fiscal year 2009;

''(ii) implemented 1 or more of the process measures described in section 2104(j)(3)(A)(i) for such fiscal year; or

''(iii) has submitted a specific plan for outreach for such fiscal year.

''(B) HIGH-PERFORMING STATE.—The State, on the basis of the most timely and accurate published estimates of the Bureau of the Census, ranks in the lowest ⅓ of States in terms of the State's percentage of low-income children without health insurance.

''(C) STATE INCREASING ENROLLMENT OF LOW-INCOME CHILDREN.—The State qualified for a payment from the Incentive Fund under clause (ii) or (iii) of paragraph (2)(C) of section 2104(j) for the most recent coverage period applicable under such section.

''(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from submitting an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a parent of a targeted low-income child that was provided child health assistance or health benefits coverage under an applicable existing waiver.

''(c) APPLICABLE EXISTING WAIVER.—For purposes of this section—

''(1) IN GENERAL.—The term 'applicable existing waiver' means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

''(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

''(i) a parent of a targeted low-income child;

''(ii) a nonpregnant childless adult; or

''(iii) individuals described in both clauses (i) and (ii); and

''(B) was in effect during fiscal year 2007.

''(2) DEFINITIONS.—

''(A) PARENT.—The term 'parent' includes a caretaker relative (as such term is used in carrying out section 1931) and a legal guardian.

''(B) NONPREGNANT CHILDLESS ADULT.—The term 'nonpregnant childless adult' has the meaning given such term by section 2107(f).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(i) by striking '', the Secretary'' and inserting '':

''(1) The Secretary'';

(ii) in the first sentence, by inserting ''or a parent (as defined in section 2111(c)(2)(A)), who is not pregnant, of a targeted low-income child'' before the period;

(iii) by striking the second sentence; and

(iv) by adding at the end the following new paragraph:

''(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2111.''.

(B) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 131) is amended by striking ''Nothing'' and inserting ''Subject to section 2111 of the Social Security Act, as added by section 106(a)(1) of the Children's Health Insurance Program Reauthorization Act of 2007, nothing''.

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of whether—

(A) the coverage of a parent, a caretaker relative (as such term is used in carrying out section 1931), or a legal guardian of a targeted low-income child under a State health plan under title XXI of the Social Security Act increases the enrollment of, or the quality of care for, children, and

(B) such parents, relatives, and legal guardians who enroll in such a plan are more likely to enroll their children in such a plan or in a State plan under title XIX of such Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall report the results of the study to the appropriate committees of Congress, including recommendations (if any) for changes in legislation.

SEC. 107. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 106(a), is amended by adding at the end the following new section:

''SEC. 2112. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN THROUGH A STATE PLAN AMENDMENT.

''(a) IN GENERAL.—Subject to the succeeding provisions of this section, a State may elect through an amendment to its State child health plan under section 2102 to provide pregnancy-related assistance under such plan for targeted low-income pregnant women.

''(b) CONDITIONS.—A State may only elect the option under subsection (a) if the following conditions are satisfied:

''(1) MEDICAID INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN OF AT LEAST 185 PERCENT OF POVERTY.—The State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902 that is at least 185 percent of the income official poverty line.

''(2) NO CHIP INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN LOWER THAN THE STATE'S MEDICAID LEVEL.—The State does not apply an effective income level for pregnant women under the State plan amendment that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

''(3) NO COVERAGE FOR HIGHER INCOME PREGNANT WOMEN WITHOUT COVERING LOWER INCOME PREGNANT WOMEN.—The State does not provide coverage for pregnant women with higher family income without covering pregnant women with a lower family income.

''(4) APPLICATION OF REQUIREMENTS FOR COVERAGE OF TARGETED LOW-INCOME CHILDREN.—The State provides pregnancy-related assistance for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the State provides child health assistance for targeted low-income children under the State child health plan, and in addition to providing child health assistance for such women.

''(5) NO PREEXISTING CONDITION EXCLUSION OR WAITING PERIOD.—The State does not apply any exclusion of benefits for pregnancy-related assistance based on any preexisting condition or any waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) for receipt of such assistance.

''(6) APPLICATION OF COST-SHARING PROTECTION.—The State provides pregnancy-related assistance to a targeted low-income woman consistent with the cost-sharing protections under section 2103(e) and applies the limitation on total annual aggregate cost sharing imposed under paragraph (3)(B) of such section to the family of such a woman.

''(c) OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—A State that elects the option under subsection (a) and satisfies the conditions described in subsection (b) may elect to apply section 1920 (relating to presumptive eligibility for pregnant women) to the State child health plan in the same manner as such section applies to the State plan under title XIX.

''(d) DEFINITIONS.—For purposes of this section:

''(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term 'child health assistance' in section 2110(a) and includes any medical assistance that the State would provide for a pregnant woman under the State plan under title XIX during pregnancy and the period described in paragraph (2)(A).

''(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

''(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

''(B) whose family income does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

''(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

''(e) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).

''(f) STATES PROVIDING ASSISTANCE THROUGH OTHER OPTIONS.—

''(1) CONTINUATION OF OTHER OPTIONS FOR PROVIDING ASSISTANCE.—The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide—

''(A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect after the final rule adopted by the Secretary and set forth at 67 Fed. Reg. 61956–61974 (October 2, 2002)), or

''(B) pregnancy-related services through the application of any waiver authority (as in effect on June 1, 2007).

''(2) CLARIFICATION OF AUTHORITY TO PROVIDE POSTPARTUM SERVICES.—Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

''(3) NO INFERENCE.—Nothing in this subsection shall be construed—

''(A) to infer congressional intent regarding the legality or illegality of the content of the sections specified in paragraph (1)(A); or

''(B) to modify the authority to provide pregnancy-related services under a waiver specified in paragraph (1)(B).''.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting ''OR PREGNANCY-RELATED ASSISTANCE'' after ''PREVENTIVE SERVICES''; and

(B) by inserting before the period at the end the following: ''or for pregnancy-related assistance''.

(2) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) in clause (i), by striking '', and'' at the end and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman provided pregnancy-related assistance under section 2112.''.

SEC. 108. CHIP CONTINGENCY FUND.

Section 2104 (42 U.S.C. 1397dd), as amended by section 105, is amended by adding at the end the following new subsection:

''(k) CHIP CONTINGENCY FUND.—

''(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'CHIP Contingency Fund' (in this subsection referred to as the 'Fund'). Amounts in the Fund are authorized to be appropriated for payments under this subsection.

''(2) DEPOSITS INTO FUND.—

''(A) INITIAL AND SUBSEQUENT APPROPRIATIONS.—Subject to subparagraphs (B) and (E), out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Fund—

''(i) for fiscal year 2009, an amount equal to 12.5 percent of the available national allotment under subsection (i)(1)(C) for the fiscal year; and

''(ii) for each of fiscal years 2010 through 2012, such sums as are necessary for making payments to eligible States for such fiscal year, but

not in excess of the aggregate cap described in subparagraph (B).

''(B) AGGREGATE CAP.—Subject to subparagraph (E), the total amount available for payment from the Fund for each of fiscal years 2009 through 2012 (taking into account deposits made under subparagraph (C)), shall not exceed 12.5 percent of the available national allotment under subsection (i)(1)(C) for the fiscal year.

''(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

''(D) TRANSFER OF EXCESS FUNDS TO THE INCENTIVE FUND.—The Secretary of the Treasury shall transfer to, and deposit in, the CHIP Incentive Bonuses Pool established under subsection (j) any amounts in excess of the aggregate cap described in subparagraph (B) for a fiscal year.

''(E) SPECIAL RULES FOR AMOUNTS SET ASIDE FOR PARENTS AND CHILDLESS ADULTS.—For purposes of subparagraphs (A) and (B)—

''(i) the available national allotment under subsection (i)(1)(C) shall be reduced by any amount set aside under section 2111(a)(3) for block grant payments for transitional coverage for childless adults; and

''(ii) the Secretary shall establish a separate account in the Fund for the portion of any amount appropriated to the Fund for any fiscal year which is allocable to the portion of the available national allotment under subsection (i)(1)(C) which is set aside for the fiscal year under section 2111(b)(2)(B)(i) for coverage of parents of low-income children.

The Secretary shall include in the account established under clause (ii) any income derived under subparagraph (C) which is allocable to amounts in such account.

''(3) CHIP CONTINGENCY FUND PAYMENTS.—

''(A) PAYMENTS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii) and the succeeding subparagraphs of this paragraph, the Secretary shall pay from the Fund to a State that is an eligible State for a month of a fiscal year a CHIP contingency fund payment equal to the Federal share of the shortfall determined under subparagraph (D). In the case of an eligible State under subparagraph (D)(i), the Secretary shall not make the payment under this subparagraph until the State makes, and submits to the Secretary, a projection of the amount of the shortfall.

''(ii) SEPARATE DETERMINATIONS OF SHORTFALLS.—The Secretary shall separately compute the shortfall under subparagraph (D) for expenditures for eligible individuals other than nonpregnant childless adults and parents with respect to whom amounts are set aside under section 2111, for expenditures for such childless adults, and for expenditures for such parents.

''(iii) PAYMENTS.—

''(I) NONPREGNANT CHILDLESS ADULTS.—No payments shall be made from the Fund for nonpregnant childless adults with respect to whom amounts are set aside under section 2111(a)(3).

''(II) PARENTS.—Any payments with respect to any shortfall for parents who are paid from amounts set aside under section 2111(b)(2)(B)(i) shall be made only from the account established under paragraph (2)(E)(ii) and not from any other amounts in the Fund. No other payments may be made from such account.

''(iv) SPECIAL RULES.—Subparagraphs (B) and (C) shall be applied separately with respect to shortfalls described in clause (ii).

''(B) USE OF FUNDS.—Amounts paid to an eligible State from the Fund shall be used only to eliminate the Federal share of a shortfall in the State's allotment under subsection (i) for a fiscal year.

''(C) PRORATION RULE.—If the amounts available for payment from the Fund for a fiscal year are less than the total amount of payments determined under subparagraph (A) for the fiscal year, the amount to be paid under such subparagraph to each eligible State shall be reduced proportionally.

''(D) ELIGIBLE STATE.—

''(i) IN GENERAL.—A State is an eligible State for a month if the State is a subsection (b) State (as defined in subsection (i)(7)), the State requests access to the Fund for the month, and it is described in clause (ii) or (iii).

''(ii) SHORTFALL OF FEDERAL ALLOTMENT FUNDING OF NOT MORE THAN 5 PERCENT.—The Secretary estimates, on the basis of the most recent data available to the Secretary or requested from the State by the Secretary, that the State's allotment for the fiscal year is at least 95 percent, but less than 100 percent, of the projected expenditures under the State child health plan for the State for the fiscal year determined under subsection (i) (without regard to incentive bonuses or payments for which the State is eligible for under subsection (j)(2) for the fiscal year).

''(iii) SHORTFALL OF FEDERAL ALLOTMENT FUNDING OF MORE THAN 5 PERCENT CAUSED BY SPECIFIC EVENTS.—The Secretary estimates, on the basis of the most recent data available to the Secretary or requested from the State by the Secretary, that the State's allotment for the fiscal year is less than 95 percent of the projected expenditures under the State child health plan for the State for the fiscal year determined under subsection (i) (without regard to incentive bonuses or payments for which the State is eligible for under subsection (j)(2) for the fiscal year) and that such shortfall is attributable to 1 or more of the following events:

''(I) STAFFORD ACT OR PUBLIC HEALTH EMERGENCY.—The State has—

''(aa) 1 or more parishes or counties for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) and which the President has determined warrants individual and public assistance from the Federal Government under such Act; or

''(bb) a public health emergency declared by the Secretary under section 319 of the Public Health Service Act.

''(II) STATE ECONOMIC DOWNTURN.—The State unemployment rate is at least 5.5 percent during any 3-month period during the fiscal year and such rate is at least 120 percent of the State unemployment rate for the same period as averaged over the last 3 fiscal years.

''(III) EVENT RESULTING IN RISE IN PERCENTAGE OF LOW-INCOME CHILDREN WITHOUT HEALTH INSURANCE.—The State experienced a recent event that resulted in an increase in the percentage of low-income children in the State without health insurance (as determined on the basis of the most timely and accurate published estimates of the Bureau of the Census) that was outside the control of the State and warrants granting the State access to the Fund (as determined by the Secretary).

''(E) PAYMENTS MADE TO ALL ELIGIBLE STATES ON A MONTHLY BASIS; AUTHORITY FOR PRO RATA PAYMENTS.—The Secretary shall make monthly payments from the Fund to all States that are determined to be eligible States with respect to a month. If the sum of the payments to be made from the Fund for a month exceed the amount in the Fund, the Secretary shall reduce each such payment on a proportional basis.

''(F) PAYMENTS LIMITED TO FISCAL YEAR OF ELIGIBILITY DETERMINATION UNLESS NEW ELIGIBILITY BASIS DETERMINED.—No State shall receive a CHIP contingency fund payment under this section for a month beginning after September 30 of the fiscal year in which the State is determined to be an eligible State under this subsection, except that in the case of an event described in subclause (I) or (III) of subparagraph (D)(iii) that occurred after July 1 of the fiscal year, any such payment with respect to such event shall remain available until September 30 of the subsequent fiscal year. Nothing in the preceding sentence shall be construed as prohibiting a State from being determined to be an eligible State under this subsection for any fiscal year occurring after a fiscal year in which such a determination is made.

''(G) EXEMPTION FROM DETERMINATION OF PERCENTAGE OF ALLOTMENT RETAINED AFTER FIRST YEAR OF AVAILABILITY.—In no event shall payments made to a State under this subsection be treated as part of the allotment determined for a State for a fiscal year under subsection (i) for purposes of subsection (j)(1)(B)(ii)(III).

''(H) APPLICATION OF ALLOTMENT REPORTING RULES.—Rules applicable to States for purposes of receiving payments from an allotment determined under subsection (c) or (i) shall apply in the same manner to an eligible State for purposes of receiving a CHIP contingency fund payment under this subsection.

''(4) ANNUAL REPORTS.—The Secretary shall annually report to the Congress on the amounts in the Fund, the specific events that caused States to apply for payments from the Fund, and the payments made from the Fund.''.

SEC. 109. TWO-YEAR AVAILABILITY OF ALLOTMENTS; EXPENDITURES COUNTED AGAINST OLDEST ALLOTMENTS.

Section 2104(e) (42 U.S.C. 1397dd(e)) is amended to read as follows:

''(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

''(1) IN GENERAL.—Except as provided in subsection (j)(1)(B)(ii)(III), amounts allotted to a State pursuant to this section—

''(A) for each of fiscal years 1998 through 2006, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

''(B) for each of fiscal years 2007 through 2012, shall remain available for expenditure by the State only through the end of the succeeding fiscal year for which such amounts are allotted.

''(2) INCENTIVE BONUSES.—Incentive bonuses paid to a State under subsection (j)(2) for a fiscal year shall remain available for expenditure by the State without limitation.

''(3) CHIP CONTINGENCY FUND PAYMENTS.—Except as provided in paragraph (3)(F) of subsection (k), CHIP Contingency Fund payments made to a State under such subsection for a month of a fiscal year shall remain available for expenditure by the State through the end of the fiscal year.

''(4) RULE FOR COUNTING EXPENDITURES AGAINST CHIP CONTINGENCY FUND PAYMENTS, FISCAL YEAR ALLOTMENTS, AND INCENTIVE BONUSES.—

''(A) IN GENERAL.—Expenditures under the State child health plan made on or after October 1, 2007, shall be counted against—

''(i) first, any CHIP Contingency Fund payment made to the State under subsection (k) for the earliest month of the earliest fiscal year for which the payment remains available for expenditure; and

''(ii) second, amounts allotted to the State for the earliest fiscal year for which amounts remain available for expenditure.

''(B) INCENTIVE BONUSES.—A State may elect, but is not required, to count expenditures under the State child health plan against any incentive bonuses paid to the State under subsection (j)(2) for a fiscal year.

''(C) BLOCK GRANT SET-ASIDES.—Expenditures for coverage of—

''(i) nonpregnant childless adults for fiscal year 2009 shall be counted only against the amount set aside for such coverage under section 2111(a)(3); and

''(ii) parents of targeted low-income children for each of fiscal years 2010 through 2012, shall be counted only against the amount set aside for such coverage under section 2111(b)(2)(B)(i).''.

SEC. 110. LIMITATION ON MATCHING RATE FOR STATES THAT PROPOSE TO COVER CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE.

(a) FMAP APPLIED TO EXPENDITURES.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

''(8) LIMITATION ON MATCHING RATE FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE PROVIDED TO CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—

''(A) FMAP APPLIED TO EXPENDITURES.—Except as provided in subparagraph (B), for fiscal years beginning with fiscal year 2008, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to any State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures described in such subparagraph under the State child health plan.''.

(b) CONFORMING AMENDMENT.—Section 2105(a)(1) (42 U.S.C. 1397dd(a)(1)) is amended, in the matter preceding subparagraph (A), by inserting ''or subsection (c)(8)'' after ''subparagraph (B)''.

SEC. 111. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.

Section 2105(g) (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), by inserting ''subject to paragraph (4),'' after ''Notwithstanding any other provision of law,''; and

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

''(4) OPTION FOR ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

''(A) PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State's allotment made under section 2104 for any of fiscal years 2008 through 2012 (insofar as the allotment is available to the State under subsections (e) and (i) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

''(B) EXPENDITURES DESCRIBED.—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19 (or, if a State has so elected under the State plan under title XIX, age 20 or 21), and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.''.

TITLE II—OUTREACH AND ENROLLMENT

SEC. 201. GRANTS FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 107, is amended by adding at the end the following:

''SEC. 2113. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

''(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

''(1) IN GENERAL.—From the amounts appropriated under subsection (g), subject to paragraph (2), the Secretary shall award grants to eligible entities during the period of fiscal years 2008 through 2012 to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

''(2) TEN PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts shall be used by the Secretary for expenditures during such period to carry out a national enrollment campaign in accordance with subsection (h).

''(b) PRIORITY FOR AWARD OF GRANTS.—

''(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

''(A) propose to target geographic areas with high rates of—

''(i) eligible but unenrolled children, including such children who reside in rural areas; or

''(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

''(B) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

''(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

''(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

''(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

''(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

''(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

''(4) an assurance that the eligible entity shall—

''(A) conduct an assessment of the effectiveness of such activities against the performance measures;

''(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments; and

''(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

''(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

''(1) make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(4)(B); and

''(2) submit an annual report to Congress on the outreach and enrollment activities conducted with funds appropriated under this section.

''(e) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

''(1) the State share of funds expended for outreach and enrollment activities under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

''(2) no State matching funds shall be required for the State to receive a grant under this section.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

''(A) A State with an approved child health plan under this title.

''(B) A local government.

''(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

''(D) A Federal health safety net organization.

''(E) A national, State, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

''(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to nongovernmental entities.

''(G) An elementary or secondary school.

''(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

''(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

''(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

''(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

''(D) any other entity or consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

''(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(4) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

''(A) by serving as a liaison between communities and health care agencies;

''(B) by providing guidance and social assistance to community residents;

''(C) by enhancing community residents' ability to effectively communicate with health care providers;

''(D) by providing culturally and linguistically appropriate health or nutrition education;

''(E) by advocating for individual and community health or nutrition needs; and

''(F) by providing referral and followup services.

''(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended, for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

''(h) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2), the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

''(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

''(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

''(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

''(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

''(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

''(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.''.

(b) ENHANCED ADMINISTRATIVE FUNDING FOR TRANSLATION OR INTERPRETATION SERVICES UNDER CHIP.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)), as amended by section 603, is amended—

(1) in the matter preceding subparagraph (A), by inserting ''(or, in the case of expenditures described in subparagraph (D)(iv), the higher of 75 percent or the sum of the enhanced FMAP plus 5 percentage points)'' after ''enhanced FMAP''; and

(2) in subparagraph (D)—

(A) in clause (iii), by striking ''and'' at the end;

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following new clause:

''(iv) for translation or interpretation services in connection with the enrollment and use of services under this title by individuals for whom English is not their primary language (as found necessary by the Secretary for the proper and efficient administration of the State plan); and''.

(c) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

''(C) NONAPPLICATION TO CERTAIN EXPENDITURES.—The limitation under subparagraph (A) shall not apply with respect to the following expenditures:

''(i) EXPENDITURES FUNDED UNDER SECTION 2113.—Expenditures for outreach and enrollment activities funded under a grant awarded to the State under section 2113.''.

SEC. 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS.

(a) IN GENERAL.—Section 1139 (42 U.S.C. 1320b–9) is amended to read as follows:

''SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XIX AND XXI.

''(a) AGREEMENTS WITH STATES FOR MEDICAID AND CHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

''(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

''(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

''(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XIX or XXI.

''(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as added by section 201(c), is amended by adding at the end the following new clause:

''(ii) EXPENDITURES TO INCREASE OUTREACH TO, AND THE ENROLLMENT OF, INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—Expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).''.

SEC. 203. DEMONSTRATION PROGRAM TO PERMIT STATES TO RELY ON FINDINGS BY AN EXPRESS LANE AGENCY TO DETERMINE COMPONENTS OF A CHILD'S ELIGIBILITY FOR MEDICAID OR CHIP.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a 3-year demonstration program under which up to 10 States shall be authorized to rely on a finding made within the preceding 12 months by an Express Lane agency to determine whether a child has met 1 or more of the eligibility requirements, such as income, assets or resources, citizenship status, or other criteria, necessary to determine the child's initial eligibility, eligibility redetermination, or renewal of eligibility, for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan. A State selected to participate in the demonstration program—

(A) shall not be required to direct a child (or a child's family) to submit information or documentation previously submitted by the child or family to an Express Lane agency that the State relies on for its Medicaid or CHIP eligibility determination; and

(B) may rely on information from an Express Lane agency when evaluating a child's eligibility for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan without a separate, independent confirmation of the information at the time of enrollment, redetermination, or renewal.

(2) PAYMENTS TO STATES.—From the amount appropriated under paragraph (1) of subsection (f), after the application of paragraph (2) of that subsection, the Secretary shall pay the States selected to participate in the demonstration program such sums as the Secretary shall determine for expenditures made by the State for systems upgrades and implementation of the demonstration program. In no event shall a payment be made to a State from the amount appropriated under subsection (f) for any expenditures incurred for providing medical assistance or child health assistance to a child enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency.

(b) REQUIREMENTS; OPTIONS FOR APPLICATION.—

(1) STATE REQUIREMENTS.—A State selected to participate in the demonstration program established under this section may rely on a finding of an Express Lane agency only if the following conditions are met:

(A) REQUIREMENT TO DETERMINE ELIGIBILITY USING REGULAR PROCEDURES IF CHILD IS FIRST FOUND INELIGIBLE.—If reliance on a finding from an Express Lane agency results in a child not being found eligible for the State Medicaid plan or the State CHIP plan, the State would be required to determine eligibility under such plan using its regular procedures.

(B) NOTICE.—The State shall inform the families (especially those whose children are enrolled in the State CHIP plan) that they may qualify for lower premium payments or more comprehensive health coverage under the State Medicaid plan if the family's income were directly evaluated for an eligibility determination by the State Medicaid agency, and that, at the family's option, the family may seek an eligibility determination by the State Medicaid agency.

(C) COMPLIANCE WITH DEPARTMENT OF HOMELAND SECURITY PROCEDURES.—The State may rely on an Express Lane agency finding that a child is a qualified alien as long as the Express Lane agency complies with guidance and regulatory procedures issued by the Secretary of Homeland Security for eligibility determinations of qualified aliens (as defined in subsections (b) and (c) of section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641)).

(D) VERIFICATION OF CITIZENSHIP OR NATIONALITY STATUS.—The State shall satisfy the requirements of section 1902(a)(46)(B) or 2105(c)(9) of the Social Security Act, as applicable (and as added by section 301 of this Act) for verifications of citizenship or nationality status.

(E) CODING; APPLICATION TO ENROLLMENT ERROR RATES.—

(i) IN GENERAL.—The State agrees to—

(I) assign such codes as the Secretary shall require to the children who are enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency for the duration of the State's participation in the demonstration program;

(II) annually provide the Secretary with a statistically valid sample (that is approved by Secretary) of the children enrolled in such plans

through reliance on such a finding by conducting a full Medicaid eligibility review of the children identified for such sample for purposes of determining an eligibility error rate with respect to the enrollment of such children;

(III) submit the error rate determined under subclause (II) to the Secretary;

(IV) if such error rate exceeds 3 percent for either of the first 2 fiscal years in which the State participates in the demonstration program, demonstrate to the satisfaction of the Secretary the specific corrective actions implemented by the State to improve upon such error rate; and

(V) if such error rate exceeds 3 percent for any fiscal year in which the State participates in the demonstration program, a reduction in the amount otherwise payable to the State under section 1903(a) of the Social Security Act (42 Secretary 1396b(a)) for quarters for that fiscal year, equal to the total amount of erroneous excess payments determined for the fiscal year only with respect to the children included in the sample for the fiscal year that are in excess of a 3 percent error rate with respect to such children.

(ii) NO PUNITIVE ACTION BASED ON ERROR RATE.—The Secretary shall not apply the error rate derived from the sample under clause (i) to the entire population of children enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency, or to the population of children enrolled in such plans on the basis of the State's regular procedures for determining eligibility, or penalize the State on the basis of such error rate in any manner other than the reduction of payments provided for under clause (i)(V).

(iii) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as relieving a State that participates in the demonstration program established under this section from being subject to a penalty under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) for payments made under the State Medicaid plan with respect to ineligible individuals and families that are determined to exceed the error rate permitted under that section (as determined without regard to the error rate determined under clause (i)(II)).

(2) STATE OPTIONS FOR APPLICATION.—A State selected to participate in the demonstration program may elect to apply any of the following:

(A) SATISFACTION OF CHIP SCREEN AND ENROLL REQUIREMENTS.—If the State relies on a finding of an Express Lane agency for purposes of determining eligibility under the State CHIP plan, the State may meet the screen and enroll requirements imposed under subparagraphs (A) and (B) of section 2102(b)(3) of the Social Security Act (42 U.S.C. 1397bb(b)(3)) by using any of the following:

(i) Establishing a threshold percentage of the poverty line that is 30 percentage points (or such other higher number of percentage points) as the State determines reflects the income methodologies of the program administered by the Express Lane Agency and the State Medicaid plan.

(ii) Providing that a child satisfies all income requirements for eligibility under the State Medicaid plan.

(iii) Providing that a child has a family income that exceeds the Medicaid applicable income level.

(B) PRESUMPTIVE ELIGIBILITY.—The State may provide for presumptive eligibility under the State CHIP plan for a child who, based on an eligibility determination of an income finding from an Express Lane agency, would qualify for child health assistance under the State CHIP plan. During the period of presumptive eligibility, the State may determine the child's eligibility for child health assistance under the State CHIP plan based on telephone contact with family members, access to data available in electronic or paper format, or other means that minimize to the maximum extent feasible the burden on the family.

(C) AUTOMATIC ENROLLMENT.—

(i) IN GENERAL.—The State may initiate and determine eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan without a program application from, or on behalf of, the child based on data obtained from sources other than the child (or the child's family), but a child can only be automatically enrolled in the State Medicaid plan or the State CHIP plan if the child or the family affirmatively consents to being enrolled through affirmation and signature on an Express Lane agency application.

(ii) INFORMATION REQUIREMENT.—A State that elects the option under clause (i) shall have procedures in place to inform the child or the child's family of the services that will be covered under the State Medicaid plan or the State CHIP plan (as applicable), appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations created by the enrollment (if applicable), and the actions the child or the child's family must take to maintain enrollment and renew coverage.

(iii) OPTION TO WAIVE SIGNATURES.—The State may waive any signature requirements for enrollment for a child who consents to, or on whose behalf consent is provided for, enrollment in the State Medicaid plan or the State CHIP plan.

(3) SIGNATURE REQUIREMENTS.—In the case of a State selected to participate in the demonstration program—

(A) no signature under penalty of perjury shall be required on an application form for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan to attest to any element of the application for which eligibility is based on information received from an Express Lane agency or a source other than an applicant; and

(B) any signature requirement for determination of an application for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan may be satisfied through an electronic signature.

(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

(A) relieve a State of the obligation under section 1902(a)(5) of the Social Security Act (42 U.S.C. 1396a(a)(5)) to determine eligibility for medical assistance under the State Medicaid plan; or

(B) prohibit any State options otherwise permitted under Federal law (without regard to this paragraph or the demonstration program established under this section) that are intended to increase the enrollment of eligible children for medical assistance under the State Medicaid plan or child health assistance under the State CHIP plan, including options related to outreach, enrollment, applications, or the determination or redetermination of eligibility.

(c) LIMITED WAIVER OF OTHER APPLICABLE REQUIREMENTS.—

(1) SOCIAL SECURITY ACT.—The Secretary shall waive only such requirements of the Social Security Act as the Secretary determines are necessary to carry out the demonstration program established under this section.

(2) AUTHORIZATION FOR PARTICIPATING STATES TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—For provisions relating to the authority of States participating in the demonstration program to receive certain data directly, see section 204(c).

(d) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, by grant, contract, or interagency agreement, a comprehensive, independent evaluation of the demonstration program established under this section. Such evaluation shall include an analysis of the effectiveness of the program, and shall include—

(A) obtaining a statistically valid sample of the children who were enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency and determining the percentage of children who were erroneously enrolled in such plans;

(B) determining whether enrolling children in such plans through reliance on a finding made by an Express Lane agency improves the ability of a State to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans;

(C) evaluating the administrative costs or savings related to identifying and enrolling children in such plans through reliance on such findings, and the extent to which such costs differ from the costs that the State otherwise would have incurred to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans; and

(D) any recommendations for legislative or administrative changes that would improve the effectiveness of enrolling children in such plans through reliance on such findings.

(2) REPORT TO CONGRESS.—Not later than September 30, 2012, the Secretary shall submit a report to Congress on the results of the evaluation of the demonstration program established under this section.

(e) DEFINITIONS.—In this section:

(1) CHILD; CHILDREN.—With respect to a State selected to participate in the demonstration program established under this section, the terms ''child'' and ''children'' have the meanings given such terms for purposes of the State plans under titles XIX and XXI of the Social Security Act.

(2) EXPRESS LANE AGENCY.—

(A) IN GENERAL.—The term ''Express Lane agency'' means a public agency that—

(i) is determined by the State Medicaid agency or the State CHIP agency (as applicable) to be capable of making the determinations of 1 or more eligibility requirements described in subsection (a)(1);

(ii) is identified in the State Medicaid plan or the State CHIP plan; and

(iii) notifies the child's family—

(I) of the information which shall be disclosed in accordance with this section;

(II) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan; and

(III) that the family may elect to not have the information disclosed for such purposes; and

(iv) enters into, or is subject to, an interagency agreement to limit the disclosure and use of the information disclosed.

(B) INCLUSION OF SPECIFIC PUBLIC AGENCIES.—Such term includes the following:

(i) A public agency that determines eligibility for assistance under any of the following:

(I) The temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(II) A State program funded under part D of title IV of such Act (42 U.S.C. 651 et seq.).

(III) The State Medicaid plan.

(IV) The State CHIP plan.

(V) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

(VI) The Head Start Act (42 U.S.C. 9801 et seq.).

(VII) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(VIII) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(IX) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

(X) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

(XI) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

(XII) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

(ii) A State-specified governmental agency that has fiscal liability or legal responsibility for

the accuracy of the eligibility determination findings relied on by the State.

(iii) A public agency that is subject to an interagency agreement limiting the disclosure and use of the information disclosed for purposes of determining eligibility under the State Medicaid plan or the State CHIP plan.

(C) EXCLUSIONS.—Such term does not include an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX of the Social Security Act (42 U.S.C. 1397 et seq.) or a private, for-profit organization.

(D) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

(i) affecting the authority of a State Medicaid agency to enter into contracts with nonprofit and for-profit agencies to administer the Medicaid application process;

(ii) exempting a State Medicaid agency from complying with the requirements of section 1902(a)(4) of the Social Security Act (relating to merit-based personnel standards for employees of the State Medicaid agency and safeguards against conflicts of interest); or

(iii) authorizing a State Medicaid agency that participates in the demonstration program established under this section to use the Express Lane option to avoid complying with such requirements for purposes of making eligibility determinations under the State Medicaid plan.

(3) MEDICAID APPLICABLE INCOME LEVEL.—With respect to a State, the term ''Medicaid applicable income level'' has the meaning given that term for purposes of such State under section 2110(b)(4) of the Social Security Act (42 U.S.C. 1397jj(4)).

(4) POVERTY LINE.—The term ''poverty line'' has the meaning given that term in section 2110(c)(5) of the Social Security Act (42 U.S.C. 1397jj(c)(5)).

(5) STATE.—The term ''State'' means 1 of the 50 States or the District of Columbia.

(6) STATE CHIP AGENCY.—The term ''State CHIP agency'' means the State agency responsible for administering the State CHIP plan.

(7) STATE CHIP PLAN.—The term ''State CHIP plan'' means the State child health plan established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), and includes any waiver of such plan.

(8) STATE MEDICAID AGENCY.—The term ''State Medicaid agency'' means the State agency responsible for administering the State Medicaid plan.

(9) STATE MEDICAID PLAN.—The term ''State Medicaid plan'' means the State plan established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), and includes any waiver of such plan.

(f) APPROPRIATION.—

(1) OPERATIONAL FUNDS.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out the demonstration program established under this section, $49,000,000 for the period of fiscal years 2008 through 2012.

(2) EVALUATION FUNDS.—$5,000,000 of the funds appropriated under paragraph (1) shall be used to conduct the evaluation required under subsection (d).

(3) BUDGET AUTHORITY.—Paragraph (1) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment to States selected to participate in the demonstration program established under this section of the amounts provided under such paragraph (after the application of paragraph (2)).

SEC. 204. AUTHORIZATION OF CERTAIN INFORMATION DISCLOSURES TO SIMPLIFY HEALTH COVERAGE DETERMINATIONS.

(a) AUTHORIZATION OF INFORMATION DISCLOSURE.—Title XIX (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1939 as section 1940; and

(2) by inserting after section 1938 the following new section:

''AUTHORIZATION TO RECEIVE PERTINENT INFORMATION

''SEC. 1939. (a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data directly relevant to eligibility determinations under this title (including eligibility files, information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, but only if such conveyance meets the requirements of subsection (b).

''(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to this section only if the following requirements are met:

''(1) The child whose circumstances are described in the data or information (or such child's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

''(2) Such data or information are used solely for the purposes of—

''(A) identifying children who are eligible or potentially eligible for medical assistance under this title and enrolling (or attempting to enroll) such children in the State plan; and

''(B) verifying the eligibility of children for medical assistance under the State plan.

''(3) An interagency or other agreement, consistent with standards developed by the Secretary—

''(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements for safeguarding privacy and data security; and

''(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll children in the plan.

''(c) CRIMINAL PENALTY.—A person described in subsection (a) who publishes, divulges, discloses, or makes known in any manner, or to any extent, not authorized by Federal law, any information obtained under this section shall be fined not more than $1,000 or imprisoned not more than 1 year, or both, for each such unauthorized activity.

''(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).''.

(b) CONFORMING AMENDMENT TO TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

''(E) Section 1939 (relating to authorization to receive data directly relevant to eligibility determinations).''.

(c) AUTHORIZATION FOR STATES PARTICIPATING IN THE EXPRESS LANE DEMONSTRATION PROGRAM TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—Only in the case of a State selected to participate in the Express Lane demonstration program established under section 203, the Secretary shall enter into such agreements as are necessary to permit such a State to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under the State CHIP plan or the State Medicaid plan (as such terms are defined in paragraphs (7) and (9) section 203(e)) from the following:

(1) The National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

(2) Data regarding enrollment in insurance that may help to facilitate outreach and enrollment under the State Medicaid plan, the State CHIP plan, and such other programs as the Secretary may specify.

TITLE III—REDUCING BARRIERS TO ENROLLMENT

SEC. 301. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP.

(a) STATE OPTION TO VERIFY DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID THROUGH VERIFICATION OF NAME AND SOCIAL SECURITY NUMBER.—

(1) ALTERNATIVE TO DOCUMENTATION REQUIREMENT.—

(A) IN GENERAL.—Section 1902 (42 U.S.C. 1396a) is amended—

(i) in subsection (a)(46)—

(I) by inserting ''(A)'' after ''(46)'';

(II) by adding ''and'' after the semicolon; and

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

''(B) provide, with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, that the State shall satisfy the requirements of—

''(i) section 1903(x); or

''(ii) subsection (dd);''; and

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

''(dd)(1) For purposes of subsection (a)(46)(B)(ii), the requirements of this subsection with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, are, in lieu of requiring the individual to present satisfactory documentary evidence of citizenship or nationality under section 1903(x) (if the individual is not described in paragraph (2) of that section), as follows:

''(A) The State submits the name and social security number of the individual to the Commissioner of Social Security as part of the plan established under paragraph (2).

''(B) If the State receives notice from the Commissioner of Social Security that the name or social security number of the individual is invalid, the State—

''(i) notifies the individual of such fact;

(ii) provides the individual with a period of 90 days from the date on which the notice required under clause (i) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or cure the invalid determination with the Commissioner of Social Security; and

''(iii) disenrolls the individual from the State plan under this title within 30 days after the end of such 90-day period if no such documentary evidence is presented.

''(2)(A) Each State electing to satisfy the requirements of this subsection for purposes of section 1902(a)(46)(B) shall establish a program under which the State submits each month to the Commissioner of Social Security for verification the name and social security number of each individual enrolled in the State plan under this title that month who has attained the age of 1 before the date of the enrollment.

''(B) In establishing the State program under this paragraph, the State may enter into an agreement with the Commissioner of Social Security to provide for the electronic submission and verification of the name and social security number of an individual before the individual is enrolled in the State plan.

''(3)(A) The State agency implementing the plan approved under this title shall, at such times and in such form as the Secretary may specify, provide information on the percentage each month that the invalid names and numbers submitted bears to the total submitted for verification.

''(B) If, for any fiscal year, the average monthly percentage determined under subparagraph (A) is greater than 7 percent—

''(i) the State shall develop and adopt a corrective plan to review its procedures for verifying the identities of individuals seeking to enroll in the State plan under this title and to identify and implement changes in such procedures to improve their accuracy; and

''(ii) pay to the Secretary an amount equal to the amount which bears the same ratio to the total payments under the State plan for the fiscal year for providing medical assistance to individuals who provided invalid information as the number of individuals with invalid information in excess of 7 percent of such total submitted bears to the total number of individuals with invalid information.

''(C) The Secretary may waive, in certain limited cases, all or part of the payment under subparagraph (B)(ii) if the State is unable to reach the allowable error rate despite a good faith effort by such State.

''(D) This paragraph shall not apply to a State for a fiscal year if there is an agreement described in paragraph (2)(B) in effect as of the close of the fiscal year.

''(4) Nothing in this subsection shall affect the rights of any individual under this title to appeal any disenrollment from a State plan.''.

(B) COSTS OF IMPLEMENTING AND MAINTAINING SYSTEM.—Section 1903(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(i) by striking ''plus'' at the end of subparagraph (E) and inserting ''and'', and

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

''(F)(i) 90 percent of the sums expended during the quarter as are attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement section 1902(dd) (including a system described in paragraph (2)(B) thereof), and

''(ii) 75 percent of the sums expended during the quarter as are attributable to the operation of systems to which clause (i) applies, plus''.

(2) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(3) CONFORMING AMENDMENTS.—Section 1903 (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(22), by striking ''subsection (x)'' and inserting ''section 1902(a)(46)(B)''; and

(B) in subsection (x)(1), by striking ''subsection (i)(22)'' and inserting ''section 1902(a)(46)(B)(i)''.

(b) CLARIFICATION OF REQUIREMENTS RELATING TO PRESENTATION OF SATISFACTORY DOCUMENTARY EVIDENCE OF CITIZENSHIP OR NATIONALITY.—

(1) ACCEPTANCE OF DOCUMENTARY EVIDENCE ISSUED BY A FEDERALLY RECOGNIZED INDIAN TRIBE.—Section 1903(x)(3)(B) (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

''(v)(I) Except as provided in subclause (II), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

''(II) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.''.

(2) REQUIREMENT TO PROVIDE REASONABLE OPPORTUNITY TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE.—Section 1903(x) (42 U.S.C. 1396b(x)) is amended by adding at the end the following new paragraph:

''(4) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B)(i), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.''.

(3) CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—

(A) CLARIFICATION OF RULES.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by paragraph (2), is amended—

(i) in paragraph (2)—

(I) in subparagraph (C), by striking ''or'' at the end;

(II) by redesignating subparagraph (D) as subparagraph (E); and

(III) by inserting after subparagraph (C) the following new subparagraph:

''(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or''; and

(ii) by adding at the end the following new paragraph:

''(5) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.''.

(B) STATE REQUIREMENT TO ISSUE SEPARATE IDENTIFICATION NUMBER.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, in the case of a child who is born in the United States to an alien mother for whom medical assistance for the delivery of the child is made available pursuant to section 1903(v), the State immediately shall issue a separate identification number for the child upon notification by the facility at which such delivery occurred of the child's birth.''.

(4) TECHNICAL AMENDMENTS.—Section 1903(x)(2) (42 U.S.C. 1396b(x)) is amended—

(A) in subparagraph (B)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left; and

(B) in subparagraph (C)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left.

(c) APPLICATION OF DOCUMENTATION SYSTEM TO CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 110(a), is amended by adding at the end the following new paragraph:

''(9) CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

''(A) IN GENERAL.—No payment may be made under this section with respect to an individual who has, or is, declared to be a citizen or national of the United States for purposes of establishing eligibility under this title unless the State meets the requirements of section 1902(a)(46)(B) with respect to the individual.

''(B) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures described in clause (i) or (ii) of section 1903(a)(3)(F) necessary to comply with subparagraph (A) shall in no event be less than 90 percent and 75 percent, respectively.''.

(2) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 202(b), is amended by adding at the end the following:

''(iii) EXPENDITURES TO COMPLY WITH CITIZENSHIP OR NATIONALITY VERIFICATION REQUIREMENTS.—Expenditures necessary for the State to comply with paragraph (9)(A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on October 1, 2008, was determined to be ineligible for medical assistance under a State Medicaid plan, including any waiver of such plan, solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by subsection (b), had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

(3) SPECIAL TRANSITION RULE FOR INDIANS.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by subsection (b)(1)(B)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

SEC. 302. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT.

Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) REDUCTION OF ADMINISTRATIVE BARRIERS TO ENROLLMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the plan shall include a description of the procedures used to reduce administrative barriers to the enrollment of children and pregnant women who are eligible for medical assistance under title XIX or for child health assistance or

health benefits coverage under this title. Such procedures shall be established and revised as often as the State determines appropriate to take into account the most recent information available to the State identifying such barriers.

''(B) DEEMED COMPLIANCE IF JOINT APPLICATION AND RENEWAL PROCESS THAT PERMITS APPLICATION OTHER THAN IN PERSON.—A State shall be deemed to comply with subparagraph (A) if the State's application and renewal forms and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children and pregnant women for medical assistance under title XIX and child health assistance under this title, and such process does not require an application to be made in person or a face-to-face interview.''.

TITLE IV—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

SEC. 401. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.

(a) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(c), is amended by adding at the end the following:

''(10) STATE OPTION TO OFFER PREMIUM ASSISTANCE.—

''(A) IN GENERAL.—Subject to the succeeding provisions of this paragraph, a State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer-sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph.

''(B) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), in this paragraph, the term 'qualified employer-sponsored coverage' means a group health plan or health insurance coverage offered through an employer—

''(I) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

''(II) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

''(III) to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

''(ii) EXCEPTION.—Such term does not include coverage consisting of—

''(I) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

''(II) a high deductible health plan (as defined in section 223(c)(2) of such Code) purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

''(iii) COST-EFFECTIVENESS ALTERNATIVE TO REQUIRED EMPLOYER CONTRIBUTION.—A group health plan or health insurance coverage offered through an employer that would be considered qualified employer-sponsored coverage but for the application of clause (i)(II) may be deemed to satisfy the requirement of such clause if either of the following applies:

''(I) APPLICATION OF CHILD-BASED OR FAMILY-BASED TEST.—The State establishes to the satisfaction of the Secretary that the cost of such coverage is less than the expenditures that the State would have made to enroll the child or the family (as applicable) in the State child health plan.

''(II) AGGREGATE PROGRAM OPERATIONAL COSTS DO NOT EXCEED THE COST OF PROVIDING COVERAGE UNDER THE STATE CHILD HEALTH PLAN.—If subclause (I) does not apply, the State establishes to the satisfaction of the Secretary that the aggregate amount of expenditures by the State for the purchase of all such coverage for targeted low-income children under the State child health plan (including administrative expenditures) does not exceed the aggregate amount of expenditures that the State would have made for providing coverage under the State child health plan for all such children.

''(C) PREMIUM ASSISTANCE SUBSIDY.—

''(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer-sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan (subject to the limitations imposed under section 2103(e), including the requirement to count the total amount of the employee contribution required for enrollment of the employee and the child in such coverage toward the annual aggregate cost-sharing limit applied under paragraph (3)(B) of such section).

''(ii) STATE PAYMENT OPTION.—A State may provide a premium assistance subsidy either as reimbursement to an employee for out-of-pocket expenditures or, subject to clause (iii), directly to the employee's employer.

''(iii) EMPLOYER OPT-OUT.—An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such a notification, an employer shall withhold the total amount of the employee contribution required for enrollment of the employee and the child in the qualified employer-sponsored coverage and the State shall pay the premium assistance subsidy directly to the employee.

''(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

''(D) APPLICATION OF SECONDARY PAYOR RULES.—The State shall be a secondary payor for any items or services provided under the qualified employer-sponsored coverage for which the State provides child health assistance under the State child health plan.

''(E) REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

''(i) IN GENERAL.—Notwithstanding section 2110(b)(1)(C), the State shall provide for each targeted low-income child enrolled in qualified employer-sponsored coverage, supplemental coverage consisting of—

''(I) items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage; and

''(II) cost-sharing protection consistent with section 2103(e).

''(ii) RECORD KEEPING REQUIREMENTS.—For purposes of carrying out clause (i), a State may elect to directly pay out-of-pocket expenditures for cost-sharing imposed under the qualified employer-sponsored coverage and collect or not collect all or any portion of such expenditures from the parent of the child.

''(F) APPLICATION OF WAITING PERIOD IMPOSED UNDER THE STATE.—Any waiting period imposed under the State child health plan prior to the provision of child health assistance to a targeted low-income child under the State plan shall apply to the same extent to the provision of a premium assistance subsidy for the child under this paragraph.

''(G) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of a targeted low-income child receiving a premium assistance subsidy to disenroll the child from the qualified employer-sponsored coverage and enroll the child in, and receive child health assistance under, the State child health plan, effective on the first day of any month for which the child is eligible for such assistance and in a manner that ensures continuity of coverage for the child.

''(H) APPLICATION TO PARENTS.—If a State provides child health assistance or health benefits coverage to parents of a targeted low-income child in accordance with section 2111(b), the State may elect to offer a premium assistance subsidy to a parent of a targeted low-income child who is eligible for such a subsidy under this paragraph in the same manner as the State offers such a subsidy for the enrollment of the child in qualified employer-sponsored coverage, except that—

''(i) the amount of the premium assistance subsidy shall be increased to take into account the cost of the enrollment of the parent in the qualified employer-sponsored coverage or, at the option of the State if the State determines it cost-effective, the cost of the enrollment of the child's family in such coverage; and

''(ii) any reference in this paragraph to a child is deemed to include a reference to the parent or, if applicable under clause (i), the family of the child.

''(I) ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.—

''(i) IN GENERAL.—A State may establish an employer-family premium assistance purchasing pool for employers with less than 250 employees who have at least 1 employee who is a pregnant woman eligible for assistance under the State child health plan (including through the application of an option described in section 2112(f)) or a member of a family with at least 1 targeted low-income child and to provide a premium assistance subsidy under this paragraph for enrollment in coverage made available through such pool.

''(ii) ACCESS TO CHOICE OF COVERAGE.—A State that elects the option under clause (i) shall identify and offer access to not less than 2 private health plans that are health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2) for employees described in clause (i).

''(J) NO EFFECT ON PREMIUM ASSISTANCE WAIVER PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect prior to the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

''(K) NOTICE OF AVAILABILITY.—If a State elects to provide premium assistance subsidies in accordance with this paragraph, the State shall—

''(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer-sponsored coverage;

''(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

''(iii) establish such other procedures as the State determines necessary to ensure that parents are fully informed of the choices for receiving child health assistance under the State child health plan or through the receipt of premium assistance subsidies.

''(L) APPLICATION TO QUALIFIED EMPLOYER-SPONSORED BENCHMARK COVERAGE.—If a group health plan or health insurance coverage offered through an employer is certified by an actuary as health benefits coverage that is equivalent to the benefits coverage in a benchmark

benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2), the State may provide premium assistance subsidies for enrollment of targeted low-income children in such group health plan or health insurance coverage in the same manner as such subsidies are provided under this paragraph for enrollment in qualified employer-sponsored coverage, but without regard to the requirement to provide supplemental coverage for benefits and cost-sharing protection provided under the State child health plan under subparagraph (E).''.

(b) APPLICATION TO MEDICAID.—Section 1906 (42 U.S.C. 1396e) is amended by inserting after subsection (c) the following:

''(d) A State may elect to offer a premium assistance subsidy (as defined in section 2105(c)(10)(C)) for qualified employer-sponsored coverage (as defined in section 2105(c)(10)(B)) to a child who is eligible for medical assistance under the State plan under this title, to the parent of such a child, and to a pregnant woman, in the same manner as such a subsidy for such coverage may be offered under a State child health plan under title XXI in accordance with section 2105(c)(10) (except that subparagraph (E)(i)(II) of such section shall be applied by substituting '1916 or, if applicable, 1916A' for '2103(e)').''.

(c) GAO STUDY AND REPORT.—Not later than January 1, 2009, the Comptroller General of the United States shall study cost and coverage issues relating to any State premium assistance programs for which Federal matching payments are made under title XIX or XXI of the Social Security Act, including under waiver authority, and shall submit a report to the appropriate committees of Congress on the results of such study.

SEC. 402. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE.

(a) REQUIREMENT TO INCLUDE DESCRIPTION OF OUTREACH, EDUCATION, AND ENROLLMENT EFFORTS RELATED TO PREMIUM ASSISTANCE SUBSIDIES IN STATE CHILD HEALTH PLAN.—Section 2102(c) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following new paragraph:

''(3) PREMIUM ASSISTANCE SUBSIDIES.—Outreach, education, and enrollment assistance for families of children likely to be eligible for premium assistance subsidies under the State child health plan in accordance with paragraphs (2)(B), (3), or (10) of section 2105(c), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and for employers likely to provide coverage that is eligible for such subsidies, including the specific, significant resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the State child health plan.''.

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 301(c)(2), is amended by adding at the end the following new clause:

''(iv) EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF CHILDREN UNDER THIS TITLE AND TITLE XIX THROUGH PREMIUM ASSISTANCE SUBSIDIES.—Expenditures for outreach activities to families of children likely to be eligible for premium assistance subsidies in accordance with paragraphs (2)(B), (3), or (10), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and to employers likely to provide qualified employer-sponsored coverage (as defined in subparagraph (B) of such paragraph).''.

Subtitle B—Coordinating Premium Assistance With Private Coverage

SEC. 411. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE; COORDINATION OF COVERAGE.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 9801(f) of the Internal Revenue Code of 1986 (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES RELATING TO MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) EMPLOYEE OUTREACH AND DISCLOSURE.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this clause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

''(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024).

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(A) IN GENERAL.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) COORDINATION WITH MEDICAID AND CHIP.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents.

''(II) MODEL NOTICE.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary and the Secretary of Health and Human Services, in consultation with Directors of State Medicaid agencies under title XIX of the Social Security Act and Directors of State CHIP agencies under title XXI of such Act, shall jointly develop national and

State-specific model notices for purposes of subparagraph (A). The Secretary shall provide employers with such model notices so as to enable employers to timely comply with the requirements of subparagraph (A). Such model notices shall include information regarding how an employee may contact the State in which the employee resides for additional information regarding potential opportunities for such premium assistance, including how to apply for such assistance.

''(III) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b).

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

(B) CONFORMING AMENDMENT.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022(b)) is amended—

(i) by striking ''and the remedies'' and inserting '', the remedies''; and

(ii) by inserting before the period the following: '', and if the employer so elects for purposes of complying with section 701(f)(3)(B)(i), the model notice applicable to the State in which the participants and beneficiaries reside''.

(C) WORKING GROUP TO DEVELOP MODEL COVERAGE COORDINATION DISCLOSURE FORM.—

(i) MEDICAID, CHIP, AND EMPLOYER-SPONSORED COVERAGE COORDINATION WORKING GROUP.—

(I) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group (in this subparagraph referred to as the ''Working Group''). The purpose of the Working Group shall be to develop the model coverage coordination disclosure form described in subclause (II) and to identify the impediments to the effective coordination of coverage available to families that include employees of employers that maintain group health plans and members who are eligible for medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(II) MODEL COVERAGE COORDINATION DISCLOSURE FORM DESCRIBED.—The model form described in this subclause is a form for plan administrators of group health plans to complete for purposes of permitting a State to determine the availability and cost-effectiveness of the coverage available under such plans to employees who have family members who are eligible for premium assistance offered under a State plan under title XIX or XXI of such Act and to allow for coordination of coverage for enrollees of such plans. Such form shall provide the following information in addition to such other information as the Working Group determines appropriate:

(aa) A determination of whether the employee is eligible for coverage under the group health plan.

(bb) The name and contract information of the plan administrator of the group health plan.

(cc) The benefits offered under the plan.

(dd) The premiums and cost-sharing required under the plan.

(ee) Any other information relevant to coverage under the plan.

(ii) MEMBERSHIP.—The Working Group shall consist of not more than 30 members and shall be composed of representatives of—

(I) the Department of Labor;

(II) the Department of Health and Human Services;

(III) State directors of the Medicaid program under title XIX of the Social Security Act;

(IV) State directors of the State Children's Health Insurance Program under title XXI of the Social Security Act;

(V) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974);

(VII) health insurance issuers; and

(VIII) children and other beneficiaries of medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(iii) COMPENSATION.—The members of the Working Group shall serve without compensation.

(iv) ADMINISTRATIVE SUPPORT.—The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

(v) REPORT.—

(I) REPORT BY WORKING GROUP TO THE SECRETARIES.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services the model form described in clause (i)(II) along with a report containing recommendations for appropriate measures to address the impediments to the effective coordination of coverage between group health plans and the State plans under titles XIX and XXI of the Social Security Act.

(II) REPORT BY SECRETARIES TO THE CONGRESS.—Not later than 2 months after receipt of the report pursuant to subclause (I), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under such subclause.

(vi) TERMINATION.—The Working Group shall terminate 30 days after the date of the issuance of its report under clause (v).

(D) EFFECTIVE DATES.—The Secretary of Labor and the Secretary of Health and Human Services shall develop the initial model notices under section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974, and the Secretary of Labor shall provide such notices to employers, not later than the date that is 1 year after the date of enactment of this Act, and each employer shall provide the initial annual notices to such employer's employees beginning with the first plan year that begins after the date on which such initial model notices are first issued. The model coverage coordination disclosure form developed under subparagraph (C) shall apply with respect to requests made by States beginning with the first plan year that begins after the date on which such model coverage coordination disclosure form is first issued.

(E) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(i) in subsection (a)(6), by striking ''or (8)'' and inserting ''(8), or (9)''; and

(ii) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following:

''(9)(A) The Secretary may assess a civil penalty against any employer of up to $100 a day from the date of the employer's failure to meet the notice requirement of section 701(f)(3)(B)(i)(I). For purposes of this subparagraph, each violation with respect to any single employee shall be treated as a separate violation.

''(B) The Secretary may assess a civil penalty against any plan administrator of up to $100 a day from the date of the plan administrator's failure to timely provide to any State the information required to be disclosed under section 701(f)(3)(B)(ii). For purposes of this subparagraph, each violation with respect to any single participant or beneficiary shall be treated as a separate violation.''.

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) COORDINATION WITH MEDICAID AND CHIP.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer

may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

''(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF SUMMARY PLAN DESCRIPTION.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 411(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

TITLE V—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES OF CHILDREN

SEC. 501. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.

(a) DEVELOPMENT OF CHILD HEALTH QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1139 the following new section:

''SEC. 1139A. CHILD HEALTH QUALITY MEASURES.

''(a) DEVELOPMENT OF AN INITIAL CORE SET OF HEALTH CARE QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

''(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall identify and publish for general comment an initial, recommended core set of child health quality measures for use by State programs administered under titles XIX and XXI, health insurance issuers and managed care entities that enter into contracts with such programs, and providers of items and services under such programs.

''(2) IDENTIFICATION OF INITIAL CORE MEASURES.—In consultation with the individuals and entities described in subsection (b)(3), the Secretary shall identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time.

''(3) RECOMMENDATIONS AND DISSEMINATION.—Based on such existing and identified measures, the Secretary shall publish an initial core set of child health quality measures that includes (but is not limited to) the following:

''(A) The duration of children's health insurance coverage over a 12-month time period.

''(B) The availability of a full range of—

''(i) preventive services, treatments, and services for acute conditions, including services to promote healthy birth and prevent and treat premature birth; and

''(ii) treatments to correct or ameliorate the effects of chronic physical and mental conditions in infants, young children, school-age children, and adolescents.

''(C) The availability of care in a range of ambulatory and inpatient health care settings in which such care is furnished.

''(D) The types of measures that, taken together, can be used to estimate the overall national quality of health care for children and to perform comparative analyses of pediatric health care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

''(4) ENCOURAGE VOLUNTARY AND STANDARDIZED REPORTING.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with States, shall develop a standardized format for reporting information and procedures and approaches that encourage States to use the initial core measurement set to voluntarily report information regarding the quality of pediatric health care under titles XIX and XXI.

''(5) ADOPTION OF BEST PRACTICES IN IMPLEMENTING QUALITY PROGRAMS.—The Secretary shall disseminate information to States regarding best practices among States with respect to measuring and reporting on the quality of health care for children, and shall facilitate the adoption of such best practices. In developing best practices approaches, the Secretary shall give particular attention to State measurement techniques that ensure the timeliness and accuracy of provider reporting, encourage provider reporting compliance, encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

''(6) REPORTS TO CONGRESS.—Not later than January 1, 2010, and every 3 years thereafter, the Secretary shall report to Congress on—

''(A) the status of the Secretary's efforts to improve—

''(i) quality related to the duration and stability of health insurance coverage for children under titles XIX and XXI;

''(ii) the quality of children's health care under such titles, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions and to aid in growth and development of infants, young children, school-age children, and adolescents with special health care needs; and

''(iii) the quality of children's health care under such titles across the domains of quality, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care;

''(B) the status of voluntary reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set; and

''(C) any recommendations for legislative changes needed to improve the quality of care provided to children under titles XIX and XXI, including recommendations for quality reporting by States.

''(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to assist them in adopting and utilizing core child health quality measures in administering the State plans under titles XIX and XXI.

''(8) DEFINITION OF CORE SET.—In this section, the term 'core set' means a group of valid, reliable, and evidence-based quality measures that, taken together—

''(A) provide information regarding the quality of health coverage and health care for children;

''(B) address the needs of children throughout the developmental age span; and

''(C) allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services whose purpose is to correct or ameliorate physical, mental, or developmental conditions that could, if untreated or poorly treated, become chronic.

''(b) ADVANCING AND IMPROVING PEDIATRIC QUALITY MEASURES.—

''(1) ESTABLISHMENT OF PEDIATRIC QUALITY MEASURES PROGRAM.—Not later than January 1, 2010, the Secretary shall establish a pediatric quality measures program to—

''(A) improve and strengthen the initial core child health care quality measures established by the Secretary under subsection (a);

''(B) expand on existing pediatric quality measures used by public and private health care purchasers and advance the development of such new and emerging quality measures; and

''(C) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchasers of children's health care services, providers, and consumers.

''(2) EVIDENCE-BASED MEASURES.—The measures developed under the pediatric quality measures program shall, at a minimum, be—

''(A) evidence-based and, where appropriate, risk adjusted;

''(B) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care;

''(C) designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison of quality and data at a State, plan, and provider level;

''(D) periodically updated; and

''(E) responsive to the child health needs, services, and domains of health care quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A).

''(3) PROCESS FOR PEDIATRIC QUALITY MEASURES PROGRAM.—In identifying gaps in existing pediatric quality measures and establishing priorities for development and advancement of such measures, the Secretary shall consult with—

''(A) States;

''(B) pediatricians, children's hospitals, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

''(C) dental professionals, including pediatric dental professionals;

''(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

''(E) national organizations representing consumers and purchasers of children's health care;

''(F) national organizations and individuals with expertise in pediatric health quality measurement; and

''(G) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

''(4) DEVELOPING, VALIDATING, AND TESTING A PORTFOLIO OF PEDIATRIC QUALITY MEASURES.—As part of the program to advance pediatric quality measures, the Secretary shall—

''(A) award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A); and

''(B) award grants and contracts for—

''(i) the development of consensus on evidence-based measures for children's health care services;

''(ii) the dissemination of such measures to public and private purchasers of health care for children; and

''(iii) the updating of such measures as necessary.

''(5) REVISING, STRENGTHENING, AND IMPROVING INITIAL CORE MEASURES.—Beginning no later than January 1, 2012, and annually thereafter, the Secretary shall publish recommended changes to the core measures described in subsection (a) that shall reflect the testing, validation, and consensus process for the development of pediatric quality measures described in subsection paragraphs (1) through (4).

''(6) DEFINITION OF PEDIATRIC QUALITY MEASURE.—In this subsection, the term 'pediatric quality measure' means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant information, that is developed in order to assess 1 or more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

''(c) ANNUAL STATE REPORTS REGARDING STATE-SPECIFIC QUALITY OF CARE MEASURES APPLIED UNDER MEDICAID OR CHIP.—

''(1) ANNUAL STATE REPORTS.—Each State with a State plan approved under title XIX or a State child health plan approved under title XXI shall annually report to the Secretary on the—

''(A) State-specific child health quality measures applied by the States under such plans, including measures described in subparagraphs (A) and (B) of subsection (a)(6); and

''(B) State-specific information on the quality of health care furnished to children under such plans, including information collected through external quality reviews of managed care organizations under section 1932 of the Social Security Act (42 U.S.C. 1396u–4) and benchmark plans under sections 1937 and 2103 of such Act (42 U.S.C. 1396u–7, 1397cc).

''(2) PUBLICATION.—Not later than September 30, 2009, and annually thereafter, the Secretary shall collect, analyze, and make publicly available the information reported by States under paragraph (1).

''(d) DEMONSTRATION PROJECTS FOR IMPROVING THE QUALITY OF CHILDREN'S HEALTH CARE AND THE USE OF HEALTH INFORMATION TECHNOLOGY.—

''(1) IN GENERAL.—During the period of fiscal years 2008 through 2012, the Secretary shall award not more than 10 grants to States and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care provided under title XIX or XXI, including projects to—

''(A) experiment with, and evaluate the use of, new measures of the quality of children's health care under such titles (including testing the validity and suitability for reporting of such measures);

''(B) promote the use of health information technology in care delivery for children under such titles;

''(C) evaluate provider-based models which improve the delivery of children's health care services under such titles, including care management for children with chronic conditions and the use of evidence-based approaches to improve the effectiveness, safety, and efficiency of health care services for children; or

''(D) demonstrate the impact of the model electronic health record format for children developed and disseminated under subsection (f) on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

''(2) REQUIREMENTS.—In awarding grants under this subsection, the Secretary shall ensure that—

''(A) only 1 demonstration project funded under a grant awarded under this subsection shall be conducted in a State; and

''(B) demonstration projects funded under grants awarded under this subsection shall be conducted evenly between States with large urban areas and States with large rural areas.

''(3) AUTHORITY FOR MULTISTATE PROJECTS.—A demonstration project conducted with a grant awarded under this subsection may be conducted on a multistate basis, as needed.

''(4) FUNDING.—$20,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

''(e) CHILDHOOD OBESITY DEMONSTRATION PROJECT.—

''(1) AUTHORITY TO CONDUCT DEMONSTRATION.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

''(A) identify, through self-assessment, behavioral risk factors for obesity among children;

''(B) identify, through self-assessment, needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;

''(C) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

''(D) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under title XIX or child health assistance is available under title XXI among such target individuals.

''(2) ELIGIBILITY ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

''(A) A city, county, or Indian tribe.

''(B) A local or tribal educational agency.

''(C) An accredited university, college, or community college.

''(D) A Federally-qualified health center.

''(E) A local health department.

''(F) A health care provider.

''(G) A community-based organization.

''(H) Any other entity determined appropriate by the Secretary, including a consortia or partnership of entities described in any of subparagraphs (A) through (G).

''(3) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the funds made available under the grant to—

''(A) carry out community-based activities related to reducing childhood obesity, including by—

''(i) forming partnerships with entities, including schools and other facilities providing recreational services, to establish programs for after school and weekend community activities that are designed to reduce childhood obesity;

''(ii) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

''(iii) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

''(B) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, including by—

''(i) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

''(I) after hours physical activity programs; and

''(II) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problem-solving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

''(ii) providing education and training to educational professionals regarding how to promote a healthy lifestyle and a healthy school environment for children;

''(iii) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

''(iv) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity for children;

''(C) carry out educational, counseling, promotional, and training activities through the local health care delivery systems including by—

''(i) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

''(ii) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;

''(iii) training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling; and

''(iv) providing community education by a health professional on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; and

''(D) provide, through qualified health professionals, training and supervision for community health workers to—

''(i) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

''(ii) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity; and

''(iii) educate and guide parents regarding the ability to model and communicate positive health behaviors.

''(4) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to awarding grants to eligible entities—

''(A) that demonstrate that they have previously applied successfully for funds to carry out activities that seek to promote individual and community health and to prevent the incidence of chronic disease and that can cite published and peer-reviewed research demonstrating that the activities that the entities propose to carry out with funds made available under the grant are effective;

''(B) that will carry out programs or activities that seek to accomplish a goal or goals set by the State in the Healthy People 2010 plan of the State;

''(C) that provide non-Federal contributions, either in cash or in-kind, to the costs of funding activities under the grants;

''(D) that develop comprehensive plans that include a strategy for extending program activities developed under grants in the years following the fiscal years for which they receive grants under this subsection;

''(E) located in communities that are medically underserved, as determined by the Secretary;

''(F) located in areas in which the average poverty rate is at least 150 percent or higher of the average poverty rate in the State involved, as determined by the Secretary; and

''(G) that submit plans that exhibit multisectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—

''(i) community-based organizations;

''(ii) local governments;

''(iii) local educational agencies;

''(iv) the private sector;

''(v) State or local departments of health;

''(vi) accredited colleges, universities, and community colleges;

''(vii) health care providers;

''(viii) State and local departments of transportation and city planning; and

''(ix) other entities determined appropriate by the Secretary.

''(5) PROGRAM DESIGN.—

''(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, the heads of other agencies in the Department of Health and Human Services, and such professional organizations, as the Secretary determines to be appropriate, on the design, conduct, and evaluation of the demonstration.

''(B) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall award 1 grant that is specifically designed to determine whether programs similar to programs to be conducted by other grantees under this subsection should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI in order to reduce the incidence of childhood obesity among such population.

''(6) REPORT TO CONGRESS.—Not later than 3 years after the date the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any such other information as the Secretary determines to be appropriate.

''(7) DEFINITIONS.—In this subsection:

''(A) FEDERALLY-QUALIFIED HEALTH CENTER.—The term 'Federally-qualified health center' has the meaning given that term in section 1905(l)(2)(B).

''(B) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(C) SELF-ASSESSMENT.—The term 'self-assessment' means a form that—

''(i) includes questions regarding—

''(I) behavioral risk factors;

''(II) needed preventive and screening services; and

''(III) target individuals' preferences for receiving follow-up information;

''(ii) is assessed using such computer generated assessment programs; and

''(iii) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate.

''(D) ONGOING SUPPORT.—The term 'ongoing support' means—

''(i) to provide any target individual with information, feedback, health coaching, and recommendations regarding—

''(I) the results of a self-assessment given to the individual;

''(II) behavior modification based on the self-assessment; and

''(III) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

''(ii) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and

''(iii) to provide the information described in clause (i) to a health care provider, if designated by the target individual to receive such information.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for the period of fiscal years 2008 through 2012.

''(f) DEVELOPMENT OF MODEL ELECTRONIC HEALTH RECORD FORMAT FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

''(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled in the State plan under title XIX or the State child health plan under title XXI that is—

''(A) subject to State laws, accessible to parents, caregivers, and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, such as appropriate immunizations or physicals;

''(B) designed to allow interoperable exchanges that conform with Federal and State privacy and security requirements;

''(C) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality; and

''(D) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records.

''(2) FUNDING.—$5,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

''(g) STUDY OF PEDIATRIC HEALTH AND HEALTH CARE QUALITY MEASURES.—

''(1) IN GENERAL.—Not later than July 1, 2009, the Institute of Medicine shall study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to preventive care, treatments for acute conditions, and treatments aimed at ameliorating or correcting physical, mental, and developmental conditions in children. In conducting such study and preparing such report, the Institute of Medicine shall—

''(A) consider all of the major national population-based reporting systems sponsored by the Federal Government that are currently in place, including reporting requirements under Federal grant programs and national population surveys and estimates conducted directly by the Federal Government;

''(B) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information so generated is made widely available through publication;

''(C) identify gaps in knowledge related to children's health status, health disparities among subgroups of children, the effects of social conditions on children's health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children's school readiness and educational achievement and attainment; and

''(D) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care quality.

''(2) FUNDING.—Up to $1,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

''(h) RULE OF CONSTRUCTION.—Notwithstanding any other provision in this section, no evidence based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving medical assistance under title XIX or child health assistance under title XXI .

''(i) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2008 through 2012, $45,000,000 for the purpose of carrying out this section (other than subsection (e)). Funds appropriated under this subsection shall remain available until expended.''.

(b) INCREASED MATCHING RATE FOR COLLECTING AND REPORTING ON CHILD HEALTH MEASURES.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)), is amended—

(1) by striking ''and'' at the end of clause (i); and

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

''(iii) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such developments or modifications of systems of the type described in clause (i) as are necessary for the efficient collection and reporting on child health measures; and''.

SEC. 502. IMPROVED INFORMATION REGARDING ACCESS TO COVERAGE UNDER CHIP.

(a) INCLUSION OF PROCESS AND ACCESS MEASURES IN ANNUAL STATE REPORTS.—Section 2108 (42 U.S.C. 1397hh) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''The State'' and inserting ''Subject to subsection (e), the State''; and

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

''(e) INFORMATION REQUIRED FOR INCLUSION IN STATE ANNUAL REPORT.—The State shall include the following information in the annual report required under subsection (a):

''(1) Eligibility criteria, enrollment, and retention data (including data with respect to continuity of coverage or duration of benefits).

''(2) Data regarding the extent to which the State uses process measures with respect to determining the eligibility of children under the State child health plan, including measures such as 12-month continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility.

''(3) Data regarding denials of eligibility and redeterminations of eligibility.

''(4) Data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the State child health plan, using quality care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey.

''(5) If the State provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for child health assistance under the State child health plan, the range of the monthly amount of such assistance provided on behalf of a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the State child health plan to supplement the coverage purchased with such premium assistance, the effective strategies the State engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage provided under the State child health plan from substituting for coverage provided under employer-sponsored health insurance offered in the State.

''(6) To the extent applicable, a description of any State activities that are designed to reduce the number of uncovered children in the State, including through a State health insurance connector program or support for innovative private health coverage initiatives.''.

(b) GAO STUDY AND REPORT ON ACCESS TO PRIMARY AND SPECIALITY SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to primary and specialty services under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of primary and specialty services under such programs;

(D) the extent to which care coordination is provided for children's care under Medicaid and CHIP; and

(E) as appropriate, information on the degree of availability of services for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the appropriate committees of Congress on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to children's care under Medicaid and CHIP that may exist.

SEC. 503. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 204(b), is amended by redesignating subparagraph (E) (as added by such section) as subparagraph (F) and by inserting after subparagraph (D) the following new subparagraph:

''(E) Subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care).''.

TITLE VI—MISCELLANEOUS

SEC. 601. TECHNICAL CORRECTION REGARDING CURRENT STATE AUTHORITY UNDER MEDICAID.

(a) IN GENERAL.—Only with respect to expenditures for medical assistance under a State Medicaid plan, including any waiver of such plan, for fiscal years 2007 and 2008, a State may elect, notwithstanding the fourth sentence of subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d) or subsection (u) of such section—

(1) to cover individuals described in section 1902(a)(10)(A)(ii)(IX) of the Social Security Act and, at its option, to apply less restrictive methodologies to such individuals under section 1902(r)(2) of such Act or 1931(b)(2)(C) of such Act and thereby receive Federal financial participation for medical assistance for such individuals under title XIX of the Social Security Act; or

(2) to receive Federal financial participation for expenditures for medical assistance under title XIX of such Act for children described in paragraph (2)(B) or (3) of section 1905(u) of such Act based on the Federal medical assistance percentage, as otherwise determined based on the first and third sentences of subsection (b) of section 1905 of the Social Security Act, rather than on the basis of an enhanced FMAP (as defined in section 2105(b) of such Act).

(b) REPEAL.—Effective October 1, 2008, subsection (a) is repealed.

(c) HOLD HARMLESS.—No State that elects the option described in subsection (a) shall be treated as not having been authorized to make such election and to receive Federal financial participation for expenditures for medical assistance described in that subsection for fiscal years 2007 and 2008 as a result of the repeal of the subsection under subsection (b).

SEC. 602. PAYMENT ERROR RATE MEASUREMENT ("PERM").

(a) EXPENDITURES RELATED TO COMPLIANCE WITH REQUIREMENTS.—

(1) ENHANCED PAYMENTS.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 401(a), is amended by adding at the end the following new paragraph:

''(11) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations) shall in no event be less than 90 percent.''.

(2) EXCLUSION OF FROM CAP ON ADMINISTRATIVE EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)C)), as amended by section 402(b), is amended by adding at the end the following:

''(v) PAYMENT ERROR RATE MEASUREMENT (PERM) EXPENDITURES.—Expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations).''.

(b) FINAL RULE REQUIRED TO BE IN EFFECT FOR ALL STATES.—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act), the Secretary shall not calculate or publish any national or State-specific error rate based on the application of the payment error rate measurement (in this section referred to as ''PERM'') requirements to CHIP until after the date that is 6 months after the date on which a final rule implementing such requirements in accordance with the requirements of subsection (c) is in effect for all States. Any calculation of a national error rate or a State specific error rate after such final rule in effect for all States may only be inclusive of errors, as defined in such final rule or in guidance issued within a reasonable time frame after the effective date for such final rule that includes detailed guidance for the specific methodology for error determinations.

(c) REQUIREMENTS FOR FINAL RULE.—For purposes of subsection (b), the requirements of this subsection are that the final rule implementing the PERM requirements shall include—

(1) clearly defined criteria for errors for both States and providers;

(2) a clearly defined process for appealing error determinations by review contractors; and

(3) clearly defined responsibilities and deadlines for States in implementing any corrective action plans.

(d) OPTION FOR APPLICATION OF DATA FOR CERTAIN STATES UNDER THE INTERIM FINAL RULE.—

(1) OPTION FOR STATES IN FIRST APPLICATION CYCLE.—After the final rule implementing the PERM requirements in accordance with the requirements of subsection (c) is in effect for all States, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2007 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2010 were the first fiscal year for which the PERM requirements apply to the State.

(2) OPTION FOR STATES IN SECOND APPLICATION CYCLE.—If such final rule is not in effect for all States by July 1, 2008, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2008 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2011 were the first fiscal year for which the PERM requirements apply to the State.

(e) HARMONIZATION OF MEQC AND PERM.—

(1) REDUCTION OF REDUNDANCIES.—The Secretary shall review the Medicaid Eligibility Quality Control (in this subsection referred to as the ''MEQC'') requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies.

(2) STATE OPTION TO APPLY PERM DATA.—A State may elect, for purposes of determining the erroneous excess payments for medical assistance ratio applicable to the State for a fiscal year under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) to substitute data resulting from the application of the PERM requirements to the State after the final rule implementing such requirements is in effect for all States for data obtained from the application of the MEQC requirements to the State with respect to a fiscal year.

(f) IDENTIFICATION OF IMPROVED STATE-SPECIFIC SAMPLE SIZES.—The Secretary shall establish State-specific sample sizes for application of the PERM requirements with respect to State child health plans for fiscal years beginning with fiscal year 2009, on the basis of such information as the Secretary determines appropriate. In establishing such sample sizes, the Secretary shall, to the greatest extent practicable—

(1) minimize the administrative cost burden on States under Medicaid and CHIP; and

(2) maintain State flexibility to manage such programs.

SEC. 603. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))''; and

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

''(B) [reserved]''.

SEC. 604. IMPROVING DATA COLLECTION.

(a) INCREASED APPROPRIATION.—Section 2109(b)(2) (42 U.S.C. 1397ii(b)(2)) is amended by striking ''$10,000,000 for fiscal year 2000'' and inserting ''$20,000,000 for fiscal year 2008''.

(b) USE OF ADDITIONAL FUNDS.—Section 2109(b) (42 U.S.C. 1397ii(b)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1), the following new paragraphs:

''(2) ADDITIONAL REQUIREMENTS.—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2008, in appropriate consultation with the Secretary of Health and Human Services, the Secretary of Commerce shall do the following:

''(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

''(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to compile the State-specific and national number of low-income children without health insurance for purposes of determining allotments under subsections (c) and (i) of section 2104 and making payments to States from the CHIP Incentive Bonuses Pool established under subsection (j) of such section, the CHIP Contingency Fund established under subsection (k) of such section, and, to the extent applicable to a State, from the block grant set aside under section 2111(b)(2)(B)(i) for each of fiscal years 2010 through 2012.

''(C) Include health insurance survey information in the American Community Survey related to children.

''(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey with respect to the purposes described in subparagraph (B).

''(E) On the basis of the assessment required under subparagraph (D), recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in subparagraph (B).

''(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

''(3) AUTHORITY FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TRANSITION TO THE USE OF ALL, OR SOME COMBINATION OF, ACS ESTIMATES UPON RECOMMENDATION OF THE SECRETARY OF COMMERCE.—If, on the basis of the assessment required under paragraph (2)(D), the Secretary of Commerce recommends to the Secretary of Health and Human Services that American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in paragraph (2)(B), the Secretary of Health and Human Services may provide for a period during which the Secretary may transition from carrying out such purposes through the use of Current Population Survey estimates to the use of American Community Survey estimates (in lieu of, or in combination with the Current Population Survey estimates, as recommended), provided that any such transition is implemented in a manner that is designed to avoid adverse impacts upon States with approved State child health plans under this title.''.

SEC. 605. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS.

(a) STATE FLEXIBILITY IN BENEFIT PACKAGES.—

(1) CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES.—Section 1937(a)(1) (42 U.S.C. 1396u–7(a)(1)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005 (Public Law 109–171, 120 Stat. 88), is amended—

(A) in subparagraph (A)—

(i) in the matter before clause (i), by striking ''enrollment in coverage that provides'' and inserting ''coverage that'';

(ii) in clause (i), by inserting ''provides'' after ''(i)''; and

(iii) by striking clause (ii) and inserting the following:

''(ii) for any individual described in section 1905(a)(4)(B) who is eligible under the State plan in accordance with paragraphs (10) and (17) of section 1902(a), consists of the items and services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43).'';

(B) in subparagraph (C)—

(i) in the heading, by striking ''WRAP-AROUND'' and inserting ''ADDITIONAL''; and

(ii) by striking ''wrap-around or''; and

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

''(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

''(i) requiring a State to offer all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); or

''(ii) preventing a State from offering all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2).''.

(2) CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.—Section 1937(a)(2)(B)(viii) (42 U.S.C. 1396u–7(a)(2)(B)(viii), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by striking ''aid or assistance is made available under part B of title IV to children in foster care and individuals'' and inserting ''child welfare services are made available under part B of title IV on the basis of being a child in foster care or''.

(3) TRANSPARENCY.—Section 1937 (42 U.S.C. 1396u–7), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by adding at the end the following:

''(c) PUBLICATION OF PROVISIONS AFFECTED.—Not later than 30 days after the date the Secretary approves a State plan amendment to provide benchmark benefits in accordance with subsections (a) and (b), the Secretary shall publish in the Federal Register and on the Internet website of the Centers for Medicare & Medicaid Services, a list of the provisions of this title that the Secretary has determined do not apply in order to enable the State to carry out such plan amendment and the reason for each such determination.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

SEC. 606. ELIMINATION OF CONFUSING PROGRAM REFERENCES.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106–113 (113 Stat. 1501A–402) is repealed.

SEC. 607. MENTAL HEALTH PARITY IN CHIP PLANS.

(a) ASSURANCE OF PARITY.—Section 2103(c) (42 U.S.C. 1397cc(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4), the following:

''(5) MENTAL HEALTH SERVICES PARITY.—

''(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance abuse benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance abuse benefits are no more restrictive than the financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

''(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).''.

(b) CONFORMING AMENDMENTS.—Section 2103 (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''subsection (c)(5)'' and inserting ''paragraphs (5) and (6) of subsection (c)''; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

SEC. 608. DENTAL HEALTH GRANTS.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 201, is amended by adding at the end the following:

''SEC. 2114. DENTAL HEALTH GRANTS.

''(a) AUTHORITY TO AWARD GRANTS.—

''(1) IN GENERAL.—From the amount appropriated under subsection (f), the Secretary shall award grants from amounts to eligible States for the purpose of carrying out programs and activities that are designed to improve the availability of dental services and strengthen dental coverage for targeted low-income children enrolled in State child health plans.

''(2) ELIGIBLE STATE.—In this section, the term 'eligible State' means a State with an approved State child health plan under this title that submits an application under subsection (b) that is approved by Secretary.

''(b) APPLICATION.—An eligible State that desires to receive a grant under this paragraph shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may require. Such application shall include—

''(1) a detailed description of—

''(A) the dental services (if any) covered under the State child health plan; and

''(B) how the State intends to improve dental coverage and services during fiscal years 2008 through 2012;

''(2) a detailed description of the programs and activities proposed to be conducted with funds awarded under the grant;

''(3) quality and outcomes performance measures to evaluate the effectiveness of such activities; and

''(4) an assurance that the State shall—

''(A) conduct an assessment of the effectiveness of such activities against such performance measures; and

''(B) cooperate with the collection and reporting of data and other information determined as a result of conducting such assessments to the Secretary, in such form and manner as the Secretary shall require.

''(c) USE OF FUNDS.—The programs and activities described in subsection (a)(1) may include the provision of enhanced dental coverage under the State child health plan.

''(d) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

''(1) the State share of funds expended for dental services under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

''(2) no State matching funds shall be required for the State to receive a grant under this section.

''(e) ANNUAL REPORT.—The Secretary shall submit an annual report to the appropriate committees of Congress regarding the grants awarded under this section that includes—

''(1) State specific descriptions of the programs and activities conducted with funds awarded under such grants; and

''(2) information regarding the assessments required of States under subsection (b)(4).

''(f) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated, $200,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended, for the purpose of awarding grants to States under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105.''.

(b) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION MORE ACCESSIBLE TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers to include on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1–877–KIDS–NOW) a current and accurate list of all dentists and other dental providers within each State that provide dental services to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website.

(c) GAO STUDY AND REPORT ON ACCESS TO ORAL HEALTH CARE, INCLUDING PREVENTIVE AND RESTORATIVE SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(D) as appropriate, information on the degree of availability of oral health care, including preventive and restorative services, for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the appropriate committees of Congress on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

(d) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN'S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a)(6)(ii), as added by section 501(a), is amended by inserting ''dental care,'' after ''preventive health services,''.

SEC. 609. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) APPLICATION OF PROSPECTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by sections 204(b) and 503, is amended by inserting after subparagraph (A) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

''(B) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services provided on or after October 1, 2008.

(b) TRANSITION GRANTS.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for fiscal year 2008, $5,000,000, to remain available until expended, for the purpose of awarding grants to States with State child health plans under CHIP that are operated separately from the State Medicaid plan under title XIX of the Social Security Act (including any waiver of such plan), or in combination with the State Medicaid plan, for expenditures related to transitioning to compliance with the requirement of section 2107(e)(1)(B) of the Social Security Act (as added by subsection (a)) to apply the prospective payment system established under section 1902(bb) of the such Act (42 U.S.C. 1396a(bb)) to services provided by Federally-qualified health centers and rural health clinics.

(2) MONITORING AND REPORT.—The Secretary shall monitor the impact of the application of such prospective payment system on the States described in paragraph (1) and, not later than October 1, 2010, shall report to Congress on any effect on access to benefits, provider payment rates, or scope of benefits offered by such States as a result of the application of such payment system.

SEC. 610. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the ''Support for Injured Servicemembers Act''.

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

''(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

''(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

''(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

''(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

''(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 103(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 103''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting ''(or 26 workweeks in the case of leave provided under subsection (a)(3))'' after ''12 workweeks'' the first place it appears; and

(II) by inserting ''(or 26 workweeks, as appropriate)'' after ''12 workweeks'' the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: ''An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.''.

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking ''In any'' and inserting the following:

''(1) IN GENERAL.—In any''; and

(iii) by adding at the end the following:

''(2) SERVICEMEMBER FAMILY LEAVE.—

''(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

''(i) leave under subsection (a)(3); or

''(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

''(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).''.

(E) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting ''or under section 102(a)(3)'' before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking ''or'' at the end;

(II) in clause (ii), by striking the period and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).''.

(G) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting ''(or 26 weeks, in a case involving leave under section 102(a)(3))'' after ''12 weeks''.

(H) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting ''or under section 102(a)(3)'' after ''section 102(a)(1)''.

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

''(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

''(9) the term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

''(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

''(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

''(3) Subject to section 6383, an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 6383(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 6383''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: ''An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.''.

(C) NOTICE.—Section 6382(e) of such title is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

SEC. 611. MILITARY FAMILY JOB PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Military Family Job Protection Act''.

(b) PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.—A family member of a recovering servicemember described in subsection (c) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(c) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(d) TREATMENT OF ACTIONS.—An employer shall be considered to have engaged in an action prohibited by subsection (b) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(e) DEFINITIONS.—In this section:

(1) BENEFIT OF EMPLOYMENT.—The term ''benefit of employment'' has the meaning given such term in section 4303 of title 38, United States Code.

(2) CARING FOR.—The term ''caring for'', used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) EMPLOYER.—The term ''employer'' has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) FAMILY MEMBER.—The term ''family member'', with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37, United States Code.

(5) RECOVERING SERVICEMEMBER.—The term ''recovering servicemember'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

SEC. 612. SENSE OF SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) SENSE OF THE SENATE.—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

SEC. 613. DEMONSTRATION PROJECTS RELATING TO DIABETES PREVENTION.

There is authorized to be appropriated $15,000,000 during the period of fiscal years 2008 through 2012 to fund demonstration projects in up to 10 States over 3 years for voluntary incentive programs to promote children's receipt of relevant screenings and improvements in healthy eating and physical activity with the aim of reducing the incidence of type 2 diabetes. Such programs may involve reductions in cost-sharing or premiums when children receive regular screening and reach certain benchmarks in healthy eating and physical activity. Under such programs, a State may also provide financial bonuses for partnerships with entities, such as schools, which increase their education and efforts with respect to reducing the incidence of type 2 diabetes and may also devise incentives for providers serving children covered under this title and title XIX to perform relevant screening and counseling regarding healthy eating and physical activity. Upon completion of these demonstrations, the Secretary shall provide a report to Congress on the results of the State demonstration projects and the degree to which they helped improve health outcomes related to type 2 diabetes in children in those States.''.

SEC. 614. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' means the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''certified development company'' means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term ''Medicaid program'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term ''State'' has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term ''State Children's Health Insurance Program'' means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term ''task force'' means the task force established under subsection (b)(1); and

(10) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) RESPONSIBILITIES.—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and

credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) IMPLEMENTATION.—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

TITLE VII—REVENUE PROVISIONS

SEC. 701. INCREASE IN EXCISE TAX RATE ON TOBACCO PRODUCTS.

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$1.828 cents per thousand ($1.594 cents per thousand on cigars removed during 2000 or 2001)'' in paragraph (1) and inserting ''$50.00 per thousand'',

(2) by striking ''20.719 percent (18.063 percent on cigars removed during 2000 or 2001)'' in paragraph (2) and inserting ''53.13 percent'', and

(3) by striking ''$48.75 per thousand ($42.50 per thousand on cigars removed during 2000 or 2001)'' in paragraph (2) and inserting ''$3.00 per cigar''.

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking ''$19.50 per thousand ($17 per thousand on cigarettes removed during 2000 or 2001)'' in paragraph (1) and inserting ''$50.00 per thousand'', and

(2) by striking ''$40.95 per thousand ($35.70 per thousand on cigarettes removed during 2000 or 2001)'' in paragraph (2) and inserting ''$104.9999 cents per thousand''.

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking ''1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)'' and inserting ''3.13 cents''.

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking ''2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)'' and inserting ''6.26 cents''.

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking ''58.5 cents (51 cents on snuff removed during 2000 or 2001)'' in paragraph (1) and inserting ''$1.50'', and

(2) by striking ''19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)'' in paragraph (2) and inserting ''50 cents''.

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking ''$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)'' and inserting ''$2.8126 cents''.

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking ''$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)'' and inserting ''$8.8889 cents''.

(h) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products and cigarette papers and tubes manufactured in or imported into the United States which are removed before January 1, 2008, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of the Internal Revenue Code of 1986 on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on January 1, 2008, for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products, cigarette papers, or cigarette tubes on January 1, 2008, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 1, 2008.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on January 1, 2008, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(B) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

SEC. 702. ADMINISTRATIVE IMPROVEMENTS.

(a) PERMIT, REPORT, AND RECORD REQUIREMENTS FOR MANUFACTURERS AND IMPORTERS OF PROCESSED TOBACCO.—

(1) PERMITS.—

(A) APPLICATION.—Section 5712 of the Internal Revenue Code of 1986 is amended by inserting ''or processed tobacco'' after ''tobacco products''.

(B) ISSUANCE.—Section 5713(a) of such Code is amended by inserting ''or processed tobacco'' after ''tobacco products''.

(2) INVENTORIES AND REPORTS.—

(A) INVENTORIES.—Section 5721 of such Code is amended by inserting '', processed tobacco,'' after ''tobacco products''.

(B) REPORTS.—Section 5722 of such Code is amended by inserting '', processed tobacco,'' after ''tobacco products''.

(3) RECORDS.—Section 5741 of such Code is amended by inserting '', processed tobacco,'' after ''tobacco products''.

(4) MANUFACTURER OF PROCESSED TOBACCO.—Section 5702 of such Code is amended by adding at the end the following new subsection:

''(p) MANUFACTURER OF PROCESSED TOBACCO.—

''(1) IN GENERAL.—The term 'manufacturer of processed tobacco' means any person who processes any tobacco other than tobacco products.

''(2) PROCESSED TOBACCO.—The processing of tobacco shall not include the farming or growing of tobacco or the handling of tobacco solely for sale, shipment, or delivery to a manufacturer of tobacco products or processed tobacco.''.

(5) CONFORMING AMENDMENT.—Section 5702(k) of such Code is amended by inserting '', or any processed tobacco,'' after ''nontaxpaid tobacco products or cigarette papers or tubes''.

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(b) BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF PERMITS.—

(1) DENIAL.—Paragraph (3) of section 5712 of such Code is amended to read as follows:

''(3) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner)—

''(A) is, by reason of his business experience, financial standing, or trade connections or by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter,

''(B) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes, or

''(C) has failed to disclose any material information required or made any material false statement in the application therefor.''.

(2) SUSPENSION OR REVOCATION.—Subsection (b) of section 5713 of such Code is amended to read as follows:

''(b) SUSPENSION OR REVOCATION.—

''(1) SHOW CAUSE HEARING.—If the Secretary has reason to believe that any person holding a permit—

''(A) has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud,

''(B) has violated the conditions of such permit,

''(C) has failed to disclose any material information required or made any material false statement in the application for such permit,

''(D) has failed to maintain his premises in such manner as to protect the revenue,

''(E) is, by reason of previous or current legal proceedings involving a felony violation of any

other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter, or

''(F) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes,

the Secretary shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked.

''(2) ACTION FOLLOWING HEARING.—If, after hearing, the Secretary finds that such person has not shown cause why his permit should not be suspended or revoked, such permit shall be suspended for such period as the Secretary deems proper or shall be revoked.''.

(c) APPLICATION OF INTERNAL REVENUE CODE STATUTE OF LIMITATIONS FOR ALCOHOL AND TOBACCO EXCISE TAXES.—Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking ''and section 520 (relating to refunds)'' and inserting ''section 520 (relating to refunds), and section 6501 of the Internal Revenue Code of 1986 (but only with respect to taxes imposed under chapters 51 and 52 of such Code)''.

(d) EXPANSION OF DEFINITION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5702(o) of the Internal Revenue Code of 1986 is amended by inserting ''or cigars, or for use as wrappers thereof'' before the period at the end.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

(e) TIME OF TAX FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—Section 5703(b)(2) of such Code is amended by adding at the end the following new subparagraph:

''(F) SPECIAL RULE FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—In the case of any tobacco products, cigarette paper, or cigarette tubes produced in the United States at any place other than the premises of a manufacturer of tobacco products, cigarette paper, or cigarette tubes that has filed the bond and obtained the permit required under this chapter, tax shall be due and payable immediately upon manufacture.''.

SEC. 703. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''114.50 percent'' and inserting ''113.25 percent''.

TITLE VIII—EFFECTIVE DATE

SEC. 801. EFFECTIVE DATE.

(a) IN GENERAL.—Unless otherwise provided in this Act, subject to subsection (b), the amendments made by this Act shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or XXI of the Social Security Act, which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by an amendment made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such Act solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, pursuant to H. Res. 675, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. DINGELL moves that the House concur in each of the Senate amendments to H.R. 976 with the respective amendment printed in the report of the Committee on Rules accompanying H. Res. 675.

The text of the House amendments to the Senate amendments is as follows:

House amendments to Senate amendments:

In lieu of the matter proposed to be inserted to the text of the Act, insert the following:

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as ''Children's Health Insurance Program Reauthorization Act of 2007''.

(b) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) REFERENCES TO CHIP; MEDICAID; SECRETARY.—In this Act:

(1) CHIP.—The term ''CHIP'' means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) MEDICAID.—The term ''Medicaid'' means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

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

Sec. 1. Short title; amendments to Social Security Act; references; table of contents.
Sec. 2. Purpose.
Sec. 3. General effective date; exception for State legislation; contingent effective date; reliance on law.

TITLE I—FINANCING

Subtitle A—Funding

Sec. 101. Extension of CHIP.
Sec. 102. Allotments for States and territories for fiscal years 2008 through 2012.
Sec. 103. Child Enrollment Contingency Fund.
Sec. 104. CHIP performance bonus payment to offset additional enrollment costs resulting from enrollment and retention efforts.
Sec. 105. 2-year initial availability of CHIP allotments.
Sec. 106. Redistribution of unused allotments to address State funding shortfalls.
Sec. 107. Option for qualifying States to receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children.
Sec. 108. One-time appropriation.
Sec. 109. Improving funding for the territories under CHIP and Medicaid.

Subtitle B—Focus on Low-Income Children and Pregnant Women

Sec. 111. State option to cover low-income pregnant women under CHIP through a State plan amendment.
Sec. 112. Phase-Out of coverage for nonpregnant childless adults under CHIP; conditions for coverage of parents.
Sec. 113. Elimination of counting Medicaid child presumptive eligibility costs against Title XXI allotment.
Sec. 114. Limitation on matching rate for States that propose to cover children with effective family income that exceeds 300 percent of the poverty line.
Sec. 115. State authority under Medicaid.
Sec. 116. Preventing substitution of CHIP coverage for private coverage.

TITLE II—OUTREACH AND ENROLLMENT

Subtitle A—Outreach and Enrollment Activities

Sec. 201. Grants and enhanced administrative funding for outreach and enrollment.
Sec. 202. Increased outreach and enrollment of Indians.
Sec. 203. State option to rely on findings from an Express Lane agency to conduct simplified eligibility determinations.

Subtitle B—Reducing Barriers to Enrollment

Sec. 211. Verification of declaration of citizenship or nationality for purposes of eligibility for Medicaid and CHIP.
Sec. 212. Reducing administrative barriers to enrollment.
Sec. 213. Model of Interstate coordinated enrollment and coverage process.

TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

Sec. 301. Additional State option for providing premium assistance.
Sec. 302. Outreach, education, and enrollment assistance.

Subtitle B—Coordinating Premium Assistance With Private Coverage

Sec. 311. Special enrollment period under group health plans in case of termination of Medicaid or CHIP coverage or eligibility for assistance in purchase of employment-based coverage; coordination of coverage.

TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

Sec. 401. Child health quality improvement activities for children enrolled in Medicaid or CHIP.
Sec. 402. Improved availability of public information regarding enrollment of children in CHIP and Medicaid.
Sec. 403. Application of certain managed care quality safeguards to CHIP.

TITLE V—IMPROVING ACCESS TO BENEFITS

Sec. 501. Dental benefits.
Sec. 502. Mental health parity in CHIP plans.
Sec. 503. Application of prospective payment system for services provided by Federally-Qualified Health Centers and rural health clinics.
Sec. 504. Premium grace period.
Sec. 505. Demonstration projects relating to diabetes prevention.

Sec. 506. Clarification of coverage of services provided through school-based health centers.

TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

Subtitle A—Program Integrity and Data Collection

Sec. 601. Payment error rate measurement (''PERM'').
Sec. 602. Improving data collection.
Sec. 603. Updated Federal evaluation of CHIP.
Sec. 604. Access to records for IG and GAO audits and evaluations.
Sec. 605. No Federal funding for illegal aliens.

Subtitle B—Miscellaneous Health Provisions

Sec. 611. Deficit Reduction Act technical corrections.
Sec. 612. References to title XXI.
Sec. 613. Prohibiting initiation of new health opportunity account demonstration programs.
Sec. 614. County medicaid health insuring organizations; GAO report on Medicaid managed care payment rates.
Sec. 615. Adjustment in computation of Medicaid FMAP to disregard an extraordinary employer pension contribution.
Sec. 616. Moratorium on certain payment restrictions.
Sec. 617. Medicaid DSH allotments for Tennessee and Hawaii.
Sec. 618. Clarification treatment of regional medical center.
Sec. 619. Extension of SSI web-based asset demonstration project to the Medicaid program.

Subtitle C—Other Provisions

Sec. 621. Support for injured servicemembers.
Sec. 622. Military family job protection.
Sec. 623. Outreach regarding health insurance options available to children.
Sec. 624. Sense of Senate regarding access to affordable and meaningful health insurance coverage.

TITLE VII—REVENUE PROVISIONS

Sec. 701. Increase in excise tax rate on tobacco products.
Sec. 702. Administrative improvements.
Sec. 703. Time for payment of corporate estimated taxes.

SEC. 2. PURPOSE.

It is the purpose of this Act to provide dependable and stable funding for children's health insurance under titles XXI and XIX of the Social Security Act in order to enroll all six million uninsured children who are eligible, but not enrolled, for coverage today through such titles.

SEC. 3. GENERAL EFFECTIVE DATE; EXCEPTION FOR STATE LEGISLATION; CONTINGENT EFFECTIVE DATE; RELIANCE ON LAW.

(a) GENERAL EFFECTIVE DATE.—Unless otherwise provided in this Act, subject to subsections (b) and (c), this Act (and the amendments made by this Act) shall take effect on October 1, 2007, and shall apply to child health assistance and medical assistance provided on or after that date without regard to whether or not final regulations to carry out this Act (or such amendments) have been promulgated by such date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or State child health plan under XXI of the Social Security Act, which the Secretary of Health and Human Services determines requires State legislation in order for respective plan to meet one or more additional requirements imposed by amendments made by this Act, the respective State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(c) CONTINGENT EFFECTIVE DATE FOR CHIP FUNDING FOR FISCAL YEAR 2008.—Notwithstanding any other provision of law, if funds are appropriated under any law (other than this Act) to provide allotments to States under CHIP for all (or any portion) of fiscal year 2008—

(1) any amounts that are so appropriated that are not so allotted and obligated before the date of the enactment of this Act are rescinded; and

(2) any amount provided for CHIP allotments to a State under this Act (and the amendments made by this Act) for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

(d) RELIANCE ON LAW.—With respect to amendments made by this Act (other than title VII) that become effective as of a date—

(1) such amendments are effective as of such date whether or not regulations implementing such amendments have been issued; and

(2) Federal financial participation for medical assistance or child health assistance furnished under title XIX or XXI, respectively, of the Social Security Act on or after such date by a State in good faith reliance on such amendments before the date of promulgation of final regulations, if any, to carry out such amendments (or before the date of guidance, if any, regarding the implementation of such amendments) shall not be denied on the basis of the State's failure to comply with such regulations or guidance.

TITLE I—FINANCING

Subtitle A—Funding

SEC. 101. EXTENSION OF CHIP.

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) in paragraph (10), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(11) for fiscal year 2008, $9,125,000,000;

''(12) for fiscal year 2009, $10,675,000,000;

''(13) for fiscal year 2010, $11,850,000,000;

''(14) for fiscal year 2011, $13,750,000,000; and

''(15) for fiscal year 2012, for purposes of making 2 semi-annual allotments—

''(A) $1,750,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012, and

''(B) $1,750,000,000 for the period beginning on April 1, 2012, and ending on September 30, 2012.''.

SEC. 102. ALLOTMENTS FOR STATES AND TERRITORIES FOR FISCAL YEARS 2008 THROUGH 2012.

Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (b)(1), by striking ''subsection (d)'' and inserting ''subsections (d) and (i)'';

(2) in subsection (c)(1), by striking ''subsection (d)'' and inserting ''subsections (d) and (i)(4)''; and

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

''(i) ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

''(1) FOR FISCAL YEAR 2008.—

''(A) FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2008 from the amount made available under subsection (a)(11), to each of the 50 States and the District of Columbia 110 percent of the highest of the following amounts for such State or District:

''(i) The total Federal payments to the State under this title for fiscal year 2007, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008.

''(ii) The Federal share of the amount allotted to the State for fiscal year 2007 under subsection (b), multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008.

''(iii) Only in the case of—

''(I) a State that received a payment, redistribution, or allotment under any of paragraphs (1), (2), or (4) of subsection (h), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary;

''(II) a State whose projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the May 2006 estimates certified by the State to the Secretary, were at least $95,000,000 but not more than $96,000,000 higher than the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the November 2006 estimates, the amount of the projected total Federal payments to the State under this title for fiscal year 2007 on the basis of the May 2006 estimates; or

''(III) a State whose projected total Federal payments under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary, exceeded all amounts available to the State for expenditure for fiscal year 2007 (including any amounts paid, allotted, or redistributed to the State in prior fiscal years), the amount of the projected total Federal payments to the State under this title for fiscal year 2007, as determined on the basis of the November 2006 estimates certified by the State to the Secretary,

multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008.

''(iv) The projected total Federal payments to the State under this title for fiscal year 2008, as determined on the basis of the August 2007 projections certified by the State to the Secretary by not later than September 30, 2007.

''(B) FOR THE COMMONWEALTHS AND TERRITORIES.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2008 from the amount made available under subsection (a)(11) to each of the commonwealths and territories described in subsection (c)(3) an amount equal to the highest amount of Federal payments to the commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1998 through 2007, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2008, except that subparagraph (B) thereof shall be applied by substituting 'the United States' for 'the State'.

''(C) DEADLINE AND DATA FOR DETERMINING FISCAL YEAR 2008 ALLOTMENTS.—In computing the amounts under subparagraphs (A) and (B) that determine the allotments to States for fiscal year 2008, the Secretary shall use

the most recent data available to the Secretary before the start of that fiscal year. The Secretary may adjust such amounts and allotments, as necessary, on the basis of the expenditure data for the prior year reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2007, but in no case shall the Secretary adjust the allotments provided under subparagraph (A) or (B) for fiscal year 2008 after December 31, 2007.

''(D) ADJUSTMENT FOR QUALIFYING STATES.—In the case of a qualifying State described in paragraph (2) of section 2105(g), the Secretary shall permit the State to submit revised projection described in subparagraph (A)(iv) in order to take into account changes in such projections attributable to the application of paragraph (4) of such section.

''(2) FOR FISCAL YEARS 2009 THROUGH 2011.—

''(A) IN GENERAL.—Subject to paragraphs (4) and (6), from the amount made available under paragraphs (12) through (14) of subsection (a) for each of fiscal years 2009 through 2011, respectively, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for each such fiscal year as follows:

''(i) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2009.—For fiscal year 2009, the allotment of the State is equal to the sum of—

''(I) the amount of the State allotment under paragraph (1) for fiscal year 2008; and

''(II) the amount of any payments made to the State under subsection (j) for fiscal year 2008,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2009.

''(ii) REBASING IN FISCAL YEAR 2010.—For fiscal year 2010, the allotment of a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2009 (including payments made to the State under subsection (j) for fiscal year 2009 as well as amounts redistributed to the State in fiscal year 2009) multiplied by the allotment increase factor under paragraph (5) for fiscal year 2010.

''(iii) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2011.—For fiscal year 2011, the allotment of the State is equal to the sum of—

''(I) the amount of the State allotment under clause (ii) for fiscal year 2010; and

''(II) the amount of any payments made to the State under subsection (j) for fiscal year 2010,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2011.

''(3) FOR FISCAL YEAR 2012.—

''(A) FIRST HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (A) of paragraph (15) of subsection (a) for the semi-annual period described in such paragraph, increased by the amount of the appropriation for such period under section 108 of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).

''(B) SECOND HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (B) of paragraph (15) of subsection (a) for the semi-annual period described in such paragraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the amount made available under such subparagraph multiplied by the ratio of—

''(i) the amount of the allotment to such State under subparagraph (A); to

''(ii) the total of the amount of all of the allotments made available under such subparagraph.

''(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in this subparagraph for a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2011 (including payments made to the State under subsection (j) for fiscal year 2011 as well as amounts redistributed to the State in fiscal year 2011) multiplied by the allotment increase factor under paragraph (5) for fiscal year 2012.

''(D) FIRST HALF RATIO.—The first half ratio described in this subparagraph is the ratio of—

''(i) the sum of—

''(I) the amount made available under subsection (a)(15)(A); and

''(II) the amount of the appropriation for such period under section 108 of the Children's Health Insurance Program Reauthorization Act of 2007; to

''(ii) the sum of the—

''(I) amount described in clause (i); and

''(II) the amount made available under subsection (a)(15)(B).

''(4) PRORATION RULE.—If, after the application of this subsection without regard to this paragraph, the sum of the allotments determined under paragraph (1), (2), or (3) for a fiscal year (or, in the case of fiscal year 2012, for a semi-annual period in such fiscal year) exceeds the amount available under subsection (a) for such fiscal year or period, the Secretary shall reduce each allotment for any State under such paragraph for such fiscal year or period on a proportional basis.

''(5) ALLOTMENT INCREASE FACTOR.—The allotment increase factor under this paragraph for a fiscal year is equal to the product of the following:

''(A) PER CAPITA HEALTH CARE GROWTH FACTOR.—1 plus the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year.

''(B) CHILD POPULATION GROWTH FACTOR.—1 plus the percentage increase (if any) in the population of children in the State from July 1 in the previous fiscal year to July 1 in the fiscal year involved, as determined by the Secretary based on the most recent published estimates of the Bureau of the Census before the beginning of the fiscal year involved, plus 1 percentage point.

''(6) INCREASE IN ALLOTMENT TO ACCOUNT FOR APPROVED PROGRAM EXPANSIONS.—In the case of one of the 50 States or the District of Columbia that—

''(A) has submitted to the Secretary, and has approved by the Secretary, a State plan amendment or waiver request relating to an expansion of eligibility for children or benefits under this title that becomes effective for a fiscal year (beginning with fiscal year 2009 and ending with fiscal year 2012); and

''(B) has submitted to the Secretary, before the August 31 preceding the beginning of the fiscal year, a request for an expansion allotment adjustment under this paragraph for such fiscal year that specifies—

''(i) the additional expenditures that are attributable to the eligibility or benefit expansion provided under the amendment or waiver described in subparagraph (A), as certified by the State and submitted to the Secretary by not later than August 31 preceding the beginning of the fiscal year; and

''(ii) the extent to which such additional expenditures are projected to exceed the allotment of the State or District for the year,

subject to paragraph (4), the amount of the allotment of the State or District under this subsection for such fiscal year shall be increased by the excess amount described in subparagraph (B)(i). A State or District may only obtain an increase under this paragraph for an allotment for fiscal year 2009 or fiscal year 2011.

''(7) AVAILABILITY OF AMOUNTS FOR SEMI-ANNUAL PERIODS IN FISCAL YEAR 2012.—Each semi-annual allotment made under paragraph (3) for a period in fiscal year 2012 shall remain available for expenditure under this title for periods after the end of such fiscal year in the same manner as if the allotment had been made available for the entire fiscal year.''.

SEC. 103. CHILD ENROLLMENT CONTINGENCY FUND.

Section 2104 (42 U.S.C. 1397dd), as amended by section 102, is amended by adding at the end the following new subsection:

''(j) CHILD ENROLLMENT CONTINGENCY FUND.—

''(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund which shall be known as the 'Child Enrollment Contingency Fund' (in this subsection referred to as the 'Fund'). Amounts in the Fund shall be available without further appropriations for payments under this subsection.

''(2) DEPOSITS INTO FUND.—

''(A) INITIAL AND SUBSEQUENT APPROPRIATIONS.—Subject to subparagraphs (B) and (D), out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Fund—

''(i) for fiscal year 2008, an amount equal to 20 percent of the amount made available under paragraph (11) of subsection (a) for the fiscal year; and

''(ii) for each of fiscal years 2009 through 2011 (and for each of the semi-annual allotment periods for fiscal year 2012) , such sums as are necessary for making payments to eligible States for such fiscal year or period, but not in excess of the aggregate cap described in subparagraph (B).

''(B) AGGREGATE CAP.—The total amount available for payment from the Fund for each of fiscal years 2009 through 2011 (and for each of the semi-annual allotment periods for fiscal year 2012), taking into account deposits made under subparagraph (C), shall not exceed 20 percent of the amount made available under subsection (a) for the fiscal year or period.

''(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

''(D) AVAILABILITY OF EXCESS FUNDS FOR PERFORMANCE BONUSES.—Any amounts in excess of the aggregate cap described in subparagraph (B) for a fiscal year or period shall be made available for purposes of carrying out section 2105(a)(3) for any succeeding fiscal year and the Secretary of the Treasury shall reduce the amount in the Fund by the amount so made available.

''(3) CHILD ENROLLMENT CONTINGENCY FUND PAYMENTS.—

''(A) IN GENERAL.—If a State's expenditures under this title in fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, or a semi-annual allotment period for fiscal year 2012, exceed the total amount of allotments available under this section to the State in

the fiscal year or period (determined without regard to any redistribution it receives under subsection (f) that is available for expenditure during such fiscal year or period, but including any carryover from a previous fiscal year) and if the average monthly unduplicated number of children enrolled under the State plan under this title (including children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during such fiscal year or period exceeds its target average number of such enrollees (as determined under subparagraph (B)) for that fiscal year or period, subject to subparagraph (D), the Secretary shall pay to the State from the Fund an amount equal to the product of—

''(i) the amount by which such average monthly caseload exceeds such target number of enrollees; and

''(ii) the projected per capita expenditures under the State child health plan (as determined under subparagraph (C) for the fiscal year), multiplied by the enhanced FMAP (as defined in section 2105(b)) for the State and fiscal year involved (or in which the period occurs).

''(B) TARGET AVERAGE NUMBER OF CHILD ENROLLEES.—In this paragraph, the target average number of child enrollees for a State—

''(i) for fiscal year 2008 is equal to the monthly average unduplicated number of children enrolled in the State child health plan under this title (including such children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

''(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the target average number of child enrollees for the State for the previous fiscal year increased by the child population growth factor described in subsection (i)(5)(B) for the State for the prior fiscal year.

''(C) PROJECTED PER CAPITA EXPENDITURES.—For purposes of subparagraph (A)(ii), the projected per capita expenditures under a State child health plan—

''(i) for fiscal year 2008 is equal to the average per capita expenditures (including both State and Federal financial participation) under such plan for the targeted low-income children counted in the average monthly caseload for purposes of this paragraph during fiscal year 2007, increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for 2008; or

''(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the projected per capita expenditures under such plan for the previous fiscal year (as determined under clause (i) or this clause) increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for the year in which such subsequent fiscal year ends.

''(D) PRORATION RULE.—If the amounts available for payment from the Fund for a fiscal year or period are less than the total amount of payments determined under subparagraph (A) for the fiscal year or period, the amount to be paid under such subparagraph to each eligible State shall be reduced proportionally.

''(E) TIMELY PAYMENT; RECONCILIATION.—Payment under this paragraph for a fiscal year or period shall be made before the end of the fiscal year or period based upon the most recent data for expenditures and enrollment and the provisions of subsection (e) of section 2105 shall apply to payments under this subsection in the same manner as they apply to payments under such section.

''(F) CONTINUED REPORTING.—For purposes of this paragraph and subsection (f), the State shall submit to the Secretary the State's projected Federal expenditures, even if the amount of such expenditures exceeds the total amount of allotments available to the State in such fiscal year or period.

''(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—No payment shall be made under this paragraph to a commonwealth or territory described in subsection (c)(3) until such time as the Secretary determines that there are in effect methods, satisfactory to the Secretary, for the collection and reporting of reliable data regarding the enrollment of children described in subparagraphs (A) and (B) in order to accurately determine the commonwealth's or territory's eligibility for, and amount of payment, under this paragraph.''.

SEC. 104. CHIP PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.

Section 2105(a) (42 U.S.C. 1397ee(a)) is amended by adding at the end the following new paragraphs:

''(3) PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL MEDICAID AND CHIP CHILD ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.—

''(A) IN GENERAL.—In addition to the payments made under paragraph (1), for each fiscal year (beginning with fiscal year 2008 and ending with fiscal year 2012) the Secretary shall pay from amounts made available under subparagraph (E), to each State that meets the condition under paragraph (4) for the fiscal year, an amount equal to the amount described in subparagraph (B) for the State and fiscal year. The payment under this paragraph shall be made, to a State for a fiscal year, as a single payment not later than the last day of the first calendar quarter of the following fiscal year.

''(B) AMOUNT.—Subject to subparagraph (E), the amount described in this subparagraph for a State for a fiscal year is equal to the sum of the following amounts:

''(i) FOR ABOVE BASELINE MEDICAID CHILD ENROLLMENT COSTS.—

''(I) FIRST TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees (as determined under subparagraph (C)(i)) under title XIX for the State and fiscal year multiplied by 15 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)(i)) for the State and fiscal year under title XIX.

''(II) SECOND TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees (as determined under subparagraph (C)(ii)) under title XIX for the State and fiscal year multiplied by 60 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)(i)) for the State and fiscal year under title XIX.

''(ii) FOR ABOVE BASELINE CHIP ENROLLMENT COSTS.—

''(I) FIRST TIER ABOVE BASELINE CHIP ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees under this title (as determined under subparagraph (C)(i)) for the State and fiscal year multiplied by 10 percent of the projected per capita State CHIP expenditures (as determined under subparagraph (D)(ii)) for the State and fiscal year under this title.

''(II) SECOND TIER ABOVE BASELINE CHIP ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees under this title (as determined under subparagraph (C)(ii)) for the State and fiscal year multiplied by 40 percent of the projected per capita State CHIP expenditures (as determined under subparagraph (D)(ii)) for the State and fiscal year under this title.

''(C) NUMBER OF FIRST AND SECOND TIER ABOVE BASELINE CHILD ENROLLEES; BASELINE NUMBER OF CHILD ENROLLEES.—For purposes of this paragraph:

''(i) FIRST TIER ABOVE BASELINE CHILD ENROLLEES.—The number of first tier above baseline child enrollees for a State for a fiscal year under this title or title XIX is equal to the number (if any, as determined by the Secretary) by which—

''(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under the State child health plan under this title or under the State plan under title XIX, respectively; exceeds

''(II) the baseline number of enrollees described in clause (iii) for the State and fiscal year under this title or title XIX, respectively;

but not to exceed 3 percent (in the case of title XIX) or 7.5 percent (in the case of this title) of the baseline number of enrollees described in subclause (II).

''(ii) SECOND TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above baseline child enrollees for a State for a fiscal year under this title or title XIX is equal to the number (if any, as determined by the Secretary) by which—

''(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under this title or under title XIX, respectively, as described in clause (i)(I); exceeds

''(II) the sum of the baseline number of child enrollees described in clause (iii) for the State and fiscal year under this title or title XIX, respectively, as described in clause (i)(II), and the maximum number of first tier above baseline child enrollees for the State and fiscal year under this title or title XIX, respectively, as determined under clause (i).

''(iii) BASELINE NUMBER OF CHILD ENROLLEES.—Subject to subparagraph (H), the baseline number of child enrollees for a State under this title or title XIX—

''(I) for fiscal year 2008 is equal to the monthly average unduplicated number of qualifying children enrolled in the State child health plan under this title or in the State plan under title XIX, respectively, during fiscal year 2007 increased by the population growth for children in that State for the year ending on June 30, 2006 (as estimated by the Bureau of the Census) plus 1 percentage point; or

''(II) for a subsequent fiscal year is equal to the baseline number of child enrollees for the State for the previous fiscal year under this title or title XIX, respectively, increased by the population growth for children in that State for the year ending on June 30 before the beginning of the fiscal year (as estimated by the Bureau of the Census) plus 1 percentage point.

''(D) PROJECTED PER CAPITA STATE EXPENDITURES.—For purposes of subparagraph (B)—

''(i) PROJECTED PER CAPITA STATE MEDICAID EXPENDITURES.—The projected per capita State Medicaid expenditures for a State and fiscal year under title XIX is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State plan under such title, including under waivers but not including such children eligible for assistance by virtue of the receipt of benefits under title XVI, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual

percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the Federal medical assistance percentage (as defined in section 1905(b)) for the fiscal year involved.

''(ii) PROJECTED PER CAPITA STATE CHIP EXPENDITURES.—The projected per capita State CHIP expenditures for a State and fiscal year under this title is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State child health plan under this title, including under waivers, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the enhanced FMAP (as defined in section 2105(b)) for the fiscal year involved.

''(E) AMOUNTS AVAILABLE FOR PAYMENTS.—

''(i) INITIAL APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated $3,000,000,000 for fiscal year 2008 for making payments under this paragraph, to be available until expended.

''(ii) TRANSFERS.—Notwithstanding any other provision of this title, the following amounts shall also be available, without fiscal year limitation, for making payments under this paragraph:

''(I) UNOBLIGATED NATIONAL ALLOTMENT.—

''(aa) FISCAL YEARS 2008 THROUGH 2011.—As of December 31 of fiscal year 2008, and as of December 31 of each succeeding fiscal year through fiscal year 2011, the portion, if any, of the amount appropriated under subsection (a) for such fiscal year that is unobligated for allotment to a State under subsection (i) for such fiscal year or set aside under subsection (a)(3) or (b)(2) of section 2111 for such fiscal year.

''(bb) FIRST HALF OF FISCAL YEAR 2012.—As of December 31 of fiscal year 2012, the portion, if any, of the sum of the amounts appropriated under subsection (a)(15)(A) and under section 108 of the Children's Health Insurance Reauthorization Act of 2007 for the period beginning on October 1, 2011, and ending on March 31, 2012, that is unobligated for allotment to a State under subsection (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

''(cc) SECOND HALF OF FISCAL YEAR 2012.—As of June 30 of fiscal year 2012, the portion, if any, of the amount appropriated under subsection (a)(15)(B) for the period beginning on April 1, 2012, and ending on September 30, 2012, that is unobligated for allotment to a State under subsection (i) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

''(II) UNEXPENDED ALLOTMENTS NOT USED FOR REDISTRIBUTION.—As of November 15 of each of fiscal years 2009 through 2012, the total amount of allotments made to States under section 2104 for the second preceding fiscal year (third preceding fiscal year in the case of the fiscal year 2006 and 2007 allotments) that is not expended or redistributed under section 2104(f) during the period in which such allotments are available for obligation.

''(III) EXCESS CHILD ENROLLMENT CONTINGENCY FUNDS.—As of October 1 of each of fiscal years 2009 through 2012, any amount in excess of the aggregate cap applicable to the Child Enrollment Contingency Fund for the fiscal year under section 2104(j).

''(IV) UNEXPENDED TRANSITIONAL COVERAGE BLOCK GRANT FOR NONPREGNANT CHILDLESS ADULTS.—As of October 1, 2009, any amounts set aside under section 2111(a)(3) that are not expended by September 30, 2009.

''(iii) PROPORTIONAL REDUCTION.—If the sum of the amounts otherwise payable under this paragraph for a fiscal year exceeds the amount available for the fiscal year under this subparagraph, the amount to be paid under this paragraph to each State shall be reduced proportionally.

''(F) QUALIFYING CHILDREN DEFINED.—For purposes of this subsection, the term 'qualifying children' means, with respect to this title or title XIX, children who meet the eligibility criteria (including income, categorical eligibility, age, and immigration status criteria) in effect as of July 1, 2007, for enrollment under this title or title XIX, respectively, taking into account criteria applied as of such date under this title or title XIX, respectively, pursuant to a waiver under section 1115.

''(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—The provisions of subparagraph (H) of section 2104(j)(3) shall apply with respect to payments under this paragraph in the same manner as such provisions apply to payment under such section.

''(H) APPLICATION TO STATES THAT IMPLEMENT A MEDICAID EXPANSION FOR CHILDREN AFTER FISCAL YEAR 2007.—In the case of a State that provides coverage under paragraph (1) or (2) of section 115(b) of the Children's Health Insurance Program Reauthorization Act of 2007 for any fiscal year after fiscal year 2007—

''(i) any child enrolled in the State plan under title XIX through the application of such an election shall be disregarded from the determination for the State of the monthly average unduplicated number of qualifying children enrolled in such plan during the first 3 fiscal years in which such an election is in effect; and

''(ii) in determining the baseline number of child enrollees for the State for any fiscal year subsequent to such first 3 fiscal years, the baseline number of child enrollees for the State under this title or title XIX for the third of such fiscal years shall be the monthly average unduplicated number of qualifying children enrolled in the State child health plan under this title or in the State plan under title XIX, respectively, for such third fiscal year.

''(4) ENROLLMENT AND RETENTION PROVISIONS FOR CHILDREN.—For purposes of paragraph (3)(A), a State meets the condition of this paragraph for a fiscal year if it is implementing at least 4 of the following enrollment and retention provisions (treating each subparagraph as a separate enrollment and retention provision) throughout the entire fiscal year:

''(A) CONTINUOUS ELIGIBILITY.—The State has elected the option of continuous eligibility for a full 12 months for all children described in section 1902(e)(12) under title XIX under 19 years of age, as well as applying such policy under its State child health plan under this title.

''(B) LIBERALIZATION OF ASSET REQUIREMENTS.—The State meets the requirement specified in either of the following clauses:

''(i) ELIMINATION OF ASSET TEST.—The State does not apply any asset or resource test for eligibility for children under title XIX or this title.

''(ii) ADMINISTRATIVE VERIFICATION OF ASSETS.—The State—

''(I) permits a parent or caretaker relative who is applying on behalf of a child for medical assistance under title XIX or child health assistance under this title to declare and certify by signature under penalty of perjury information relating to family assets for purposes of determining and redetermining financial eligibility; and

''(II) takes steps to verify assets through means other than by requiring documentation from parents and applicants except in individual cases of discrepancies or where otherwise justified.

''(C) ELIMINATION OF IN-PERSON INTERVIEW REQUIREMENT.—The State does not require an application of a child for medical assistance under title XIX (or for child health assistance under this title), including an application for renewal of such assistance, to be made in person nor does the State require a face-to-face interview, unless there are discrepancies or individual circumstances justifying an in-person application or face-to-face interview.

''(D) USE OF JOINT APPLICATION FOR MEDICAID AND CHIP.—The application form and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children for medical assistance under title XIX and child health assistance under this title.

''(E) AUTOMATIC RENEWAL (USE OF ADMINISTRATIVE RENEWAL).—

''(i) IN GENERAL.—The State provides, in the case of renewal of a child's eligibility for medical assistance under title XIX or child health assistance under this title, a preprinted form completed by the State based on the information available to the State and notice to the parent or caretaker relative of the child that eligibility of the child will be renewed and continued based on such information unless the State is provided other information. Nothing in this clause shall be construed as preventing a State from verifying, through electronic and other means, the information so provided.

''(ii) SATISFACTION THROUGH DEMONSTRATED USE OF EX PARTE PROCESS.—A State shall be treated as satisfying the requirement of clause (i) if renewal of eligibility of children under title XIX or this title is determined without any requirement for an in-person interview, unless sufficient information is not in the State's possession and cannot be acquired from other sources (including other State agencies) without the participation of the applicant or the applicant's parent or caretaker relative.

''(F) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State is implementing section 1920A under title XIX as well as, pursuant to section 2107(e)(1), under this title.

''(G) EXPRESS LANE.—The State is implementing the option described in section 1902(e)(13) under title XIX as well as, pursuant to section 2107(e)(1), under this title.''.

SEC. 105. 2-YEAR INITIAL AVAILABILITY OF CHIP ALLOTMENTS.

Section 2104(e) (42 U.S.C. 1397dd(e)) is amended to read as follows:

''(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

''(1) IN GENERAL.—Except as provided in paragraph (2), amounts allotted to a State pursuant to this section—

''(A) for each of fiscal years 1998 through 2007, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

''(B) for fiscal year 2008 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the succeeding fiscal year.

''(2) AVAILABILITY OF AMOUNTS REDISTRIBUTED.—Amounts redistributed to a State under subsection (f) shall be available for expenditure by the State through the end of the fiscal year in which they are redistributed.''.

SEC. 106. REDISTRIBUTION OF UNUSED ALLOTMENTS TO ADDRESS STATE FUNDING SHORTFALLS.

(a) FISCAL YEAR 2005 ALLOTMENTS.—

(1) IN GENERAL.—Notwithstanding section 2104(f) of the Social Security Act (42 U.S.C. 1397dd(f)), subject to paragraph (2), with respect to fiscal year 2008, the Secretary shall provide for a redistribution under such section from the allotments for fiscal year 2005 under subsection (b) and (c) of such section that are not expended by the end of fiscal year 2007, to each State described in clause (iii) of section 2104(i)(1)(A) of the Social Security Act, as added by section 102, of an amount that bears the same ratio to such unexpended fiscal year 2005 allotments as the ratio of the fiscal year 2007 allotment determined for each such State under subsection (b) of section 2104 of such Act for fiscal year 2007 (without regard to any amounts paid, allotted, or redistributed to the State under section 2104 for any preceding fiscal year) bears to the total amount of the fiscal year 2007 allotments for all such States (as so determined).

(2) CONTINGENCY.—Paragraph (1) shall not apply if the redistribution described in such paragraph has occurred as of the date of the enactment of this Act.

(b) ALLOTMENTS FOR SUBSEQUENT FISCAL YEARS.—Section 2104(f) (42 U.S.C. 1397dd(f)) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) by striking ''States that have fully expended the amount of their allotments under this section.'' and inserting ''States that the Secretary determines with respect to the fiscal year for which unused allotments are available for redistribution under this subsection, are shortfall States described in paragraph (2) for such fiscal year, but not to exceed the amount of the shortfall described in paragraph (2)(A) for each such State (as may be adjusted under paragraph (2)(C)).''; and

(3) by adding at the end the following new paragraph:

''(2) SHORTFALL STATES DESCRIBED.—

''(A) IN GENERAL.—For purposes of paragraph (1), with respect to a fiscal year, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates on the basis of the most recent data available to the Secretary, that the projected expenditures under such plan for the State for the fiscal year will exceed the sum of—

''(i) the amount of the State's allotments for any preceding fiscal years that remains available for expenditure and that will not be expended by the end of the immediately preceding fiscal year;

''(ii) the amount (if any) of the child enrollment contingency fund payment under subsection (j); and

''(iii) the amount of the State's allotment for the fiscal year.

''(B) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year under subparagraph (A), the amount to be redistributed under such paragraph for each shortfall State shall be reduced proportionally.

''(C) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made under paragraph (1) and this paragraph with respect to a fiscal year as necessary on the basis of the amounts reported by States not later than November 30 of the succeeding fiscal year, as approved by the Secretary.''.

SEC. 107. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.

Section 2105(g) (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), by inserting ''subject to paragraph (4),'' after ''Notwithstanding any other provision of law,''; and

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

''(4) OPTION FOR ALLOTMENTS FOR FISCAL YEARS 2008 THROUGH 2012.—

''(A) PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State's allotment made under section 2104 for any of fiscal years 2008 through 2012 (insofar as the allotment is available to the State under subsections (e) and (i) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

''(B) EXPENDITURES DESCRIBED.—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19 (or, if a State has so elected under the State plan under title XIX, age 20 or 21), and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.''.

SEC. 108. ONE-TIME APPROPRIATION.

There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $12,500,000,000 to accompany the allotment made for the period beginning on October 1, 2011, and ending on March 31, 2012, under section 2104(a)(15)(A) of the Social Security Act (42 U.S.C. 1397dd(a)(15)(A)) (as added by section 101), to remain available until expended. Such amount shall be used to provide allotments to States under paragraph (3) of section 2104(i) of the Social Security Act (42 U.S.C. 1397dd(i)), as added by section 102, for the first 6 months of fiscal year 2012 in the same manner as allotments are provided under subsection (a)(15)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(15)(A).

SEC. 109. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.

(a) REMOVAL OF FEDERAL MATCHING PAYMENTS FOR DATA REPORTING SYSTEMS FROM THE OVERALL LIMIT ON PAYMENTS TO TERRITORIES UNDER TITLE XIX.—Section 1108(g) (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

''(4) EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.—With respect to fiscal years beginning with fiscal year 2008, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i), (B), or (F) of section 1903(a)(3) for a calendar quarter of such fiscal year, the payment shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), and (3) of this subsection) to such commonwealth or territory for such fiscal year.''.

(b) GAO STUDY AND REPORT.—Not later than September 30, 2009, the Comptroller General of the United States shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding Federal funding under Medicaid and CHIP for Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. The report shall include the following:

(1) An analysis of all relevant factors with respect to—

(A) eligible Medicaid and CHIP populations in such commonwealths and territories;

(B) historical and projected spending needs of such commonwealths and territories and the ability of capped funding streams to respond to those spending needs;

(C) the extent to which Federal poverty guidelines are used by such commonwealths and territories to determine Medicaid and CHIP eligibility; and

(D) the extent to which such commonwealths and territories participate in data collection and reporting related to Medicaid and CHIP, including an analysis of territory participation in the Current Population Survey versus the American Community Survey.

(2) Recommendations regarding methods for the collection and reporting of reliable data regarding the enrollment under Medicaid and CHIP of children in such commonwealths and territories

(3) Recommendations for improving Federal funding under Medicaid and CHIP for such commonwealths and territories.

Subtitle B—Focus on Low-Income Children and Pregnant Women

SEC. 111. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT.

(a) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 112(a), is amended by adding at the end the following new section:

''SEC. 2112. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN THROUGH A STATE PLAN AMENDMENT.

''(a) IN GENERAL.—Subject to the succeeding provisions of this section, a State may elect through an amendment to its State child health plan under section 2102 to provide pregnancy-related assistance under such plan for targeted low-income pregnant women.

''(b) CONDITIONS.—A State may only elect the option under subsection (a) if the following conditions are satisfied:

''(1) MINIMUM INCOME ELIGIBILITY LEVELS FOR PREGNANT WOMEN AND CHILDREN.—The State has established an income eligibility level—

''(A) for pregnant women under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902 that is at least 185 percent (or such higher percent as the State has in effect with regard to pregnant women under this title) of the poverty line applicable to a family of the size involved, but in no case lower than the percent in effect under any such subsection as of July 1, 2007; and

''(B) for children under 19 years of age under this title (or title XIX) that is at least 200 percent of the poverty line applicable to a family of the size involved.

''(2) NO CHIP INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN LOWER THAN THE STATE'S MEDICAID LEVEL.—The State does not apply an effective income level for pregnant women under the State plan amendment that is lower than the effective income level (expressed as a percent of the poverty line

and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (l)(1)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

''(3) NO COVERAGE FOR HIGHER INCOME PREGNANT WOMEN WITHOUT COVERING LOWER INCOME PREGNANT WOMEN.—The State does not provide coverage for pregnant women with higher family income without covering pregnant women with a lower family income.

''(4) APPLICATION OF REQUIREMENTS FOR COVERAGE OF TARGETED LOW-INCOME CHILDREN.—The State provides pregnancy-related assistance for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the State provides child health assistance for targeted low-income children under the State child health plan, and in addition to providing child health assistance for such women.

''(5) NO PREEXISTING CONDITION EXCLUSION OR WAITING PERIOD.—The State does not apply any exclusion of benefits for pregnancy-related assistance based on any preexisting condition or any waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) for receipt of such assistance.

''(6) APPLICATION OF COST-SHARING PROTECTION.—The State provides pregnancy-related assistance to a targeted low-income woman consistent with the cost-sharing protections under section 2103(e) and applies the limitation on total annual aggregate cost sharing imposed under paragraph (3)(B) of such section to the family of such a woman.

''(7) NO WAITING LIST FOR CHILDREN.—The State does not impose, with respect to the enrollment under the State child health plan of targeted low-income children during the quarter, any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment.

''(c) OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.—A State that elects the option under subsection (a) and satisfies the conditions described in subsection (b) may elect to apply section 1920 (relating to presumptive eligibility for pregnant women) to the State child health plan in the same manner as such section applies to the State plan under title XIX.

''(d) DEFINITIONS.—For purposes of this section:

''(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term 'child health assistance' in section 2110(a) and includes any medical assistance that the State would provide for a pregnant woman under the State plan under title XIX during the period described in paragraph (2)(A).

''(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

''(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

''(B) whose family income exceeds 185 percent (or, if higher, the percent applied under subsection (b)(1)(A)) of the poverty line applicable to a family of the size involved, but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

''(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

''(e) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).

''(f) STATES PROVIDING ASSISTANCE THROUGH OTHER OPTIONS.—

''(1) CONTINUATION OF OTHER OPTIONS FOR PROVIDING ASSISTANCE.—The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide—

''(A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect after the final rule adopted by the Secretary and set forth at 67 Fed. Reg. 61956–61974 (October 2, 2002)), or

''(B) pregnancy-related services through the application of any waiver authority (as in effect on June 1, 2007).

''(2) CLARIFICATION OF AUTHORITY TO PROVIDE POSTPARTUM SERVICES.—Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

''(3) NO INFERENCE.—Nothing in this subsection shall be construed—

''(A) to infer congressional intent regarding the legality or illegality of the content of the sections specified in paragraph (1)(A); or

''(B) to modify the authority to provide pregnancy-related services under a waiver specified in paragraph (1)(B).''.

(b) ADDITIONAL CONFORMING AMENDMENTS.—

(1) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting ''**OR PREGNANCY-RELATED ASSISTANCE**'' after ''**PREVENTIVE SERVICES**''; and

(B) by inserting before the period at the end the following: ''or for pregnancy-related assistance''.

(2) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) in clause (i), by striking '', and'' at the end and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman provided pregnancy-related assistance under section 2112.''.

SEC. 112. PHASE-OUT OF COVERAGE FOR NON-PREGNANT CHILDLESS ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.

(a) PHASE-OUT RULES.—

(1) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

''SEC. 2111. PHASE-OUT OF COVERAGE FOR NON-PREGNANT CHILDLESS ADULTS; CONDITIONS FOR COVERAGE OF PARENTS.

''(a) TERMINATION OF COVERAGE FOR NON-PREGNANT CHILDLESS ADULTS.—

''(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH FISCAL YEAR 2008.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

''(A) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult; and

''(B) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2008, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

''(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF FISCAL YEAR 2008.—

''(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant childless adult under an applicable existing waiver after September 30, 2008.

''(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2008, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only through September 30, 2008.

''(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during fiscal year 2008.

''(3) OPTIONAL 1-YEAR TRANSITIONAL COVERAGE BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Subject to paragraph (4)(B), each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may elect to provide nonpregnant childless adults who were provided child health assistance or health benefits coverage under the applicable existing waiver at any time during fiscal year 2008 with such assistance or coverage during fiscal year 2009, as if the authority to provide such assistance or coverage under an applicable existing waiver was extended through that fiscal year, but subject to the following terms and conditions:

''(A) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—The Secretary shall set aside for the State an amount equal to the Federal share of the State's projected expenditures

under the applicable existing waiver for providing child health assistance or health benefits coverage to all nonpregnant childless adults under such waiver for fiscal year 2008 (as certified by the State and submitted to the Secretary by not later than August 31, 2008, and without regard to whether any such individual lost coverage during fiscal year 2008 and was later provided child health assistance or other health benefits coverage under the waiver in that fiscal year), increased by the annual adjustment for fiscal year 2009 determined under section 2104(i)(5)(A). The Secretary may adjust the amount set aside under the preceding sentence, as necessary, on the basis of the expenditure data for fiscal year 2008 reported by States on CMS Form 64 or CMS Form 21 not later than November 30, 2008, but in no case shall the Secretary adjust such amount after December 31, 2008.

''(B) NO COVERAGE FOR NONPREGNANT CHILDLESS ADULTS WHO WERE NOT COVERED DURING FISCAL YEAR 2008.—

''(i) FMAP APPLIED TO EXPENDITURES.—The Secretary shall pay the State for each quarter of fiscal year 2009, from the amount set aside under subparagraph (A), an amount equal to the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) of expenditures in the quarter for providing child health assistance or other health benefits coverage to a nonpregnant childless adult but only if such adult was enrolled in the State program under this title during fiscal year 2008 (without regard to whether the individual lost coverage during fiscal year 2008 and was reenrolled in that fiscal year or in fiscal year 2009).

''(ii) FEDERAL PAYMENTS LIMITED TO AMOUNT OF BLOCK GRANT SET-ASIDE.—No payments shall be made to a State for expenditures described in this subparagraph after the total amount set aside under subparagraph (A) for fiscal year 2009 has been paid to the State.

''(4) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NONPREGNANT CHILDLESS ADULTS.—

''(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than June 30, 2009, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a 'Medicaid nonpregnant childless adults waiver').

''(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of September 30, 2009, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by June 30, 2009, the application shall be deemed approved.

''(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

''(i) in the case of fiscal year 2010, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (3)(B) for fiscal year 2009, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for calendar year 2010 over calendar year 2009, as most recently published by the Secretary; and

''(ii) in the case of any succeeding fiscal year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding fiscal year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the fiscal year involved over the preceding calendar year, as most recently published by the Secretary.

''(b) RULES AND CONDITIONS FOR COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.—

''(1) TWO-YEAR TRANSITION PERIOD; AUTOMATIC EXTENSION AT STATE OPTION THROUGH FISCAL YEAR 2009.—

''(A) NO NEW CHIP WAIVERS.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

''(i) the Secretary shall not on or after the date of the enactment of the Children's Health Insurance Program Reauthorization Act of 2007 approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a parent of a targeted low-income child; and

''(ii) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2009, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

''(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2009, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only, subject to paragraph (2)(A), through September 30, 2009.

''(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a parent of a targeted low-income child during fiscal years 2008 and 2009.

''(2) RULES FOR FISCAL YEARS 2010 THROUGH 2012.—

''(A) PAYMENTS FOR COVERAGE LIMITED TO BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Any State that provides child health assistance or health benefits coverage under an applicable existing waiver for a parent of a targeted low-income child may elect to continue to provide such assistance or coverage through fiscal year 2010, 2011, or 2012, subject to the same terms and conditions that applied under the applicable existing waiver, unless otherwise modified in subparagraph (B).

''(B) TERMS AND CONDITIONS.—

''(i) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—If the State makes an election under subparagraph (A), the Secretary shall set aside for the State for each such fiscal year an amount equal to the Federal share of 110 percent of the State's projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all parents of targeted low-income children enrolled under such waiver for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year). In the case of fiscal year 2012, the set aside for any State shall be computed separately for each period described in subparagraphs (A) and (B) of section 2104(a)(15) and any reduction in the allotment for either such period under section 2104(i)(4) shall be allocated on a pro rata basis to such set aside.

''(ii) PAYMENTS FROM BLOCK GRANT.—The Secretary shall pay the State from the amount set aside under clause (i) for the fiscal year, an amount for each quarter of such fiscal year equal to the applicable percentage determined under clause (iii) or (iv) for expenditures in the quarter for providing child health assistance or other health benefits coverage to a parent of a targeted low-income child.

''(iii) ENHANCED FMAP ONLY IN FISCAL YEAR 2010 FOR STATES WITH SIGNIFICANT CHILD OUTREACH OR THAT ACHIEVE CHILD COVERAGE BENCHMARKS; FMAP FOR ANY OTHER STATES.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2010 is equal to—

''(I) the enhanced FMAP determined under section 2105(b) in the case of a State that meets the outreach or coverage benchmarks described in any of subparagraphs (A), (B), or (C) of paragraph (3) for fiscal year 2009; or

''(II) the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) in the case of any other State.

''(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2011 OR 2012.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2011 or 2012 is equal to—

''(I) the REMAP percentage if—

''(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2009; and

''(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for the preceding fiscal year; or

''(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

For purposes of subclause (I), the REMAP percentage is the percentage which is the sum of such Federal medical assistance percentage and a number of percentage points equal to one-half of the difference between such Federal medical assistance percentage and such enhanced FMAP.

''(v) NO FEDERAL PAYMENTS OTHER THAN FROM BLOCK GRANT SET ASIDE.—No payments shall be made to a State for expenditures described in clause (ii) after the total amount set aside under clause (i) for a fiscal year has been paid to the State.

''(vi) NO INCREASE IN INCOME ELIGIBILITY LEVEL FOR PARENTS.—No payments shall be made to a State from the amount set aside under clause (i) for a fiscal year for expenditures for providing child health assistance or health benefits coverage to a parent of a targeted low-income child whose family income exceeds the income eligibility level applied under the applicable existing waiver to parents of targeted low-income children on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

''(3) OUTREACH OR COVERAGE BENCHMARKS.—For purposes of paragraph (2), the outreach or coverage benchmarks described in this paragraph are as follows:

''(A) SIGNIFICANT CHILD OUTREACH CAMPAIGN.—The State—

''(i) was awarded a grant under section 2113 for fiscal year 2009;

''(ii) implemented 1 or more of the enrollment and retention provisions described in section 2105(a)(4) for such fiscal year; or

''(iii) has submitted a specific plan for outreach for such fiscal year.

''(B) HIGH-PERFORMING STATE.—The State, on the basis of the most timely and accurate published estimates of the Bureau of the Census, ranks in the lowest ⅓ of States in terms of the State's percentage of low-income children without health insurance.

''(C) STATE INCREASING ENROLLMENT OF LOW-INCOME CHILDREN.—The State qualified for a performance bonus payment under section 2105(a)(3)(B) for the most recent fiscal year applicable under such section.

''(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from submitting an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a parent of a targeted low-income child that was provided child health assistance or health benefits coverage under an applicable existing waiver.

''(c) APPLICABLE EXISTING WAIVER.—For purposes of this section—

''(1) IN GENERAL.—The term 'applicable existing waiver' means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

''(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

''(i) a parent of a targeted low-income child;

''(ii) a nonpregnant childless adult; or

''(iii) individuals described in both clauses (i) and (ii); and

''(B) was in effect during fiscal year 2007.

''(2) DEFINITIONS.—

''(A) PARENT.—The term 'parent' includes a caretaker relative (as such term is used in carrying out section 1931) and a legal guardian.

''(B) NONPREGNANT CHILDLESS ADULT.—The term 'nonpregnant childless adult' has the meaning given such term by section 2107(f).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(i) by striking '', the Secretary'' and inserting '':

''(1) The Secretary'';

(ii) in the first sentence, by inserting ''or a parent (as defined in section 2111(c)(2)(A)), who is not pregnant, of a targeted low-income child'' before the period;

(iii) by striking the second sentence; and

(iv) by adding at the end the following new paragraph:

''(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007 that would waive or modify the requirements of section 2111.''.

(B) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 131) is amended by striking ''Nothing'' and inserting ''Subject to section 2111 of the Social Security Act, as added by section 112 of the Children's Health Insurance Program Reauthorization Act of 2007, nothing''.

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of whether—

(A) the coverage of a parent, a caretaker relative (as such term is used in carrying out section 1931), or a legal guardian of a targeted low-income child under a State health plan under title XXI of the Social Security Act increases the enrollment of, or the quality of care for, children, and

(B) such parents, relatives, and legal guardians who enroll in such a plan are more likely to enroll their children in such a plan or in a State plan under title XIX of such Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall report the results of the study to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives, including recommendations (if any) for changes in legislation.

SEC. 113. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

(a) IN GENERAL.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))''; and

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

''(B) [reserved]''.

(b) AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking ''so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance''.

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) (42 U.S.C. 1396r–1(b)) is amended by adding after paragraph (2) the following flush sentence:

''The term 'qualified provider' also includes a qualified entity, as defined in section 1920A(b)(3).''.

SEC. 114. LIMITATION ON MATCHING RATE FOR STATES THAT PROPOSE TO COVER CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE.

(a) FMAP APPLIED TO EXPENDITURES.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

''(8) LIMITATION ON MATCHING RATE FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE PROVIDED TO CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—

''(A) FMAP APPLIED TO EXPENDITURES.—Except as provided in subparagraph (B), for fiscal years beginning with fiscal year 2008, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.

''(B) EXCEPTION.—Subparagraph (A) shall not apply to any State that, on the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures described in such subparagraph under the State child health plan.''.

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as—

(1) changing any income eligibility level for children under title XXI of the Social Security Act; or

(2) changing the flexibility provided States under such title to establish the income eligibility level for targeted low-income children under a State child health plan and the methodologies used by the State to determine income or assets under such plan.

SEC. 115. STATE AUTHORITY UNDER MEDICAID.

(a) STATE AUTHORITY TO EXPAND INCOME OR RESOURCE ELIGIBILITY LEVELS FOR CHILDREN.—Nothing in this Act, the amendments made by this Act, or title XIX of the Social Security Act, including paragraph (2)(B) of section 1905(u) of such Act, shall be construed as limiting the flexibility afforded States under such title to increase the income or resource eligibility levels for children under a State plan or waiver under such title.

(b) STATE AUTHORITY TO RECEIVE PAYMENTS UNDER MEDICAID FOR PROVIDING MEDICAL ASSISTANCE TO CHILDREN ELIGIBLE AS A RESULT OF AN INCOME OR RESOURCE ELIGIBILITY LEVEL EXPANSION.—A State may, notwithstanding the fourth sentence of subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d) or subsection (u) of such section—

(1) cover individuals described in section 1902(a)(10)(A)(ii)(IX) of the Social Security Act and thereby receive Federal financial participation for medical assistance for such individuals under title XIX of the Social Security Act; or

(2) receive Federal financial participation for expenditures for medical assistance under Medicaid for children described in paragraph (2)(B) or (3) of section 1905(u) of such Act based on the Federal medical assistance percentage, as otherwise determined based on the first and third sentences of subsection (b) of section 1905 of the Social Security Act, rather than on the basis of an enhanced FMAP (as defined in section 2105(b) of such Act).

SEC. 116. PREVENTING SUBSTITUTION OF CHIP COVERAGE FOR PRIVATE COVERAGE.

(a) FINDINGS.—

(1) Congress agrees with the President that low-income children should be the first priority of all States in providing child health assistance under CHIP.

(2) Congress agrees with the President and the Congressional Budget Office that the substitution of CHIP coverage for private coverage occurs more frequently for children in families at higher income levels.

(3) Congress agrees with the President that it is appropriate that States that expand CHIP eligibility to children at higher income levels should have achieved a high level of health benefits coverage for low-income children and should implement strategies to address such substitution.

(4) Congress concludes that the policies specified in this section (and the amendments made by this section) are the appropriate policies to address these issues.

(b) ANALYSES OF BEST PRACTICES AND METHODOLOGY IN ADDRESSING CROWD-OUT.—

(1) GAO REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives and the Secretary a report describing the best practices by States in addressing the issue of CHIP crowd-out. Such report shall include analyses of—

(A) the impact of different geographic areas, including urban and rural areas, on CHIP crowd-out;

(B) the impact of different State labor markets on CHIP crowd-out;

(C) the impact of different strategies for addressing CHIP crowd-out;

(D) the incidence of crowd-out for children with different levels of family income; and

(E) the relationship (if any) between changes in the availability and affordability of dependent coverage under employer-sponsored health insurance and CHIP crowd-out.

(2) IOM REPORT ON METHODOLOGY.—The Secretary shall enter into an arrangement with the Institute of Medicine under which the Institute submits to the Committee on

Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives and the Secretary, not later than 18 months after the date of the enactment of this Act, a report on—

(A) the most accurate, reliable, and timely way to measure—

(i) on a State-by-State basis, the rate of public and private health benefits coverage among low-income children with family income that does not exceed 200 percent of the poverty line; and

(ii) CHIP crowd-out, including in the case of children with family income that exceeds 200 percent of the poverty line; and

(B) the least burdensome way to gather the necessary data to conduct the measurements described in subparagraph (A).

Out of any money in the Treasury not otherwise appropriated, there are hereby appropriated $2,000,000 to carry out this paragraph for the period ending September 30, 2009.

(3) INCORPORATION OF DEFINITIONS.—In this section, the terms ''CHIP crowd-out'', ''children'', ''poverty line'', and ''State'' have the meanings given such terms for purposes of CHIP.

(4) DEFINITION OF CHIP CROWD-OUT.—Section 2110(c) (42 U.S.C. 1397jj(c)) is amended by adding at the end the following:

''(9) CHIP CROWD-OUT.—The term 'CHIP crowd-out' means the substitution of—

''(A) health benefits coverage for a child under this title, for

''(B) health benefits coverage for the child other than under this title or title XIX.''.

(c) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Section 2107 (42 U.S.C. 1397gg) is amended by adding at the end the following:

''(g) DEVELOPMENT OF BEST PRACTICE RECOMMENDATIONS.—Within 6 months after the date of receipt of the reports under subsections (a) and (b) of section 116 of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with States, including Medicaid and CHIP directors in States, shall publish in the Federal Register, and post on the public website for the Department of Health and Human Services—

''(1) recommendations regarding best practices for States to use to address CHIP crowd-out; and

''(2) uniform standards for data collection by States to measure and report—

''(A) health benefits coverage for children with family income below 200 percent of the poverty line; and

''(B) on CHIP crowd-out, including for children with family income that exceeds 200 percent of the poverty line.

The Secretary, in consultation with States, including Medicaid and CHIP directors in States, may from time to time update the best practice recommendations and uniform standards set published under paragraphs (1) and (2) and shall provide for publication and posting of such updated recommendations and standards.''.

(d) REQUIREMENT TO ADDRESS CHIP CROWD-OUT; SECRETARIAL REVIEW.—Section 2106 (42 U.S.C. 1397ff) is amended by adding at the end the following:

''(f) REQUIREMENT TO ADDRESS CHIP CROWD-OUT; SECRETARIAL REVIEW.—

''(1) IN GENERAL.—Each State that, on or after the best practice application date described in paragraph (3), submits a plan amendment (or waiver request) to provide for eligibility for child health assistance under the State child health plan for higher income children described in section 2105(c)(9)(D) (relating to children whose effective family income exceeds 300 percent of the poverty line) shall include with such plan amendment or request a description of how the State—

''(A) will address CHIP crowd-out for such children; and

''(B) will incorporate recommended best practices referred to in such paragraph.

''(2) APPLICATION TO CERTAIN STATES.—Each State that, as of the best practice application date described in paragraph (3), has a State child health plan that provides (whether under the plan or through a waiver) for eligibility for child health assistance for children referred to in paragraph (1) shall submit to the Secretary, not later than 6 months after the date of such application, a State plan amendment describing how the State—

''(A) will address CHIP crowd-out for such children; and

''(B) will incorporate recommended best practices referred to in such paragraph.

''(3) BEST PRACTICE APPLICATION DATE.—The best practice application date described in this paragraph is the date that is 6 months after the date of publication of recommendations regarding best practices under section 2107(g)(1).

''(4) SECRETARIAL REVIEW.—The Secretary shall—

''(A) review each State plan amendment or waiver request submitted under paragraph (1) or (2);

''(B) determine whether the amendment or request incorporates recommended best practices referred to in paragraph (3);

''(C) determine whether the State meets the enrollment targets required under reference section 2105(c)(9)(C); and

''(D) notify the State of such determinations.''.

(e) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 114(a), is amended by adding at the end the following new subsection:

''(9) LIMITATION ON PAYMENTS FOR STATES COVERING HIGHER INCOME CHILDREN.—

''(A) DETERMINATIONS.—

''(i) IN GENERAL.—The Secretary shall determine, for each State that is a higher income eligibility State as of April 1 of 2010 and each subsequent year, whether the State meets the target rate of coverage of low-income children required under subparagraph (C) and shall notify the State in that month of such determination.

''(ii) DETERMINATION OF FAILURE.—If the Secretary determines in such month that a higher income eligibility State does not meet such target rate of coverage, subject to subparagraph (E), no payment shall be made as of October 1 of such year on or after October 1, 2010, under this section for child health assistance provided for higher-income children (as defined in subparagraph (D)) under the State child health plan unless and until the State establishes it is in compliance with such requirement.

''(B) HIGHER INCOME ELIGIBILITY STATE.—A higher income eligibility State described in this clause is a State that—

''(i) applies under its State child health plan an eligibility income standard for targeted low-income children that exceeds 300 percent of the poverty line; or

''(ii) because of the application of a general exclusion of a block of income that is not determined by type of expense or type of income, applies an effective income standard under the State child health plan for such children that exceeds 300 percent of the poverty line.

''(C) REQUIREMENT FOR TARGET RATE OF COVERAGE OF LOW-INCOME CHILDREN.—

''(i) IN GENERAL.—The requirement of this subparagraph for a State is that the rate of health benefits coverage (both private and public) for low-income children in the State is not statistically significantly (at a p=0.05 level) less than the target rate of coverage specified in clause (ii).

''(ii) TARGET RATE.—The target rate of coverage specified in this clause is the average rate (determined by the Secretary) of health benefits coverage (both private and public) as of January 1, 2010, among the 10 of the 50 States and the District of Columbia with the highest percentage of health benefits coverage (both private and public) for low-income children.

''(iii) STANDARDS FOR DATA.— In applying this subparagraph, rates of health benefits coverage for States shall be determined using the uniform standards identified by the Secretary under section 2107(g)(2).

''(D) HIGHER-INCOME CHILD.—For purposes of this paragraph, the term 'higher income child' means, with respect to a State child health plan, a targeted low-income child whose family income—

''(i) exceeds 300 percent of the poverty line; or

''(ii) would exceed 300 percent of the poverty line if there were not taken into account any general exclusion described in subparagraph (B)(ii).

''(E) NOTICE AND OPPORTUNITY TO COMPLY WITH TARGET RATE.—If the Secretary makes a determination described in subparagraph (A)(ii) in April of a year, the Secretary—

''(i) shall provide the State with the opportunity to submit and implement a corrective action plan for the State to come into compliance with the requirement of subparagraph (C) before October 1 of such year;

''(ii) shall not effect a denial of payment under subparagraph (A) on the basis of such determination before October 1 of such year; and

''(iii) shall not effect such a denial if the Secretary determines that there is a reasonable likelihood that the implementation of such a correction action plan will bring the State into compliance with the requirement of subparagraph (C).''.

(f) TREATMENT OF MEDICAL SUPPORT ORDERS.—Section 2102(b) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following::

''(5) TREATMENT OF MEDICAL SUPPORT ORDERS.—

''(A) IN GENERAL.—Nothing in this title shall be construed to allow the Secretary to require that a State deny eligibility for child health assistance to a child who is otherwise eligible on the basis of the existence of a valid medical support order being in effect.

''(B) STATE ELECTION.—A State may elect to limit eligibility for child health assistance to a targeted low-income child on the basis of the existence of a valid medical support order on the child's behalf, but only if the State does not deny such eligibility for a child on such basis if the child asserts that the order is not being complied with for any of the reasons described in subparagraph (C) unless the State demonstrates that none of such reasons applies in the case involved.

''(C) REASONS FOR NONCOMPLIANCE.—The reasons described in this subparagraph for noncompliance with a medical support order with respect to a child are that the child is not being provided health benefits coverage pursuant to such order because—

''(i) of failure of the noncustodial parent to comply with the order;

''(ii) of the failure of an employer, group health plan or health insurance issuer to comply with such order; or

''(iii) the child resides in a geographic area in which benefits under the health benefits coverage are generally unavailable.''.

(g) EFFECTIVE DATE OF AMENDMENTS; CONSISTENCY OF POLICIES.—The amendments made by this section shall take effect as if enacted on August 16, 2007. The Secretary may not impose (or continue in effect) any requirement, prevent the implementation of

any provision, or condition the approval of any provision under any State child health plan, State plan amendment, or waiver request on the basis of any policy or interpretation relating to CHIP crowd-out or medical support order other than under the amendments made by this section.

TITLE II—OUTREACH AND ENROLLMENT

Subtitle A—Outreach and Enrollment Activities

SEC. 201. GRANTS AND ENHANCED ADMINISTRATIVE FUNDING FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 107, is amended by adding at the end the following:

"SEC. 2113. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

''(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

''(1) IN GENERAL.—From the amounts appropriated under subsection (g), subject to paragraph (2), the Secretary shall award grants to eligible entities during the period of fiscal years 2008 through 2012 to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

''(2) TEN PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10 percent of such amounts shall be used by the Secretary for expenditures during such period to carry out a national enrollment campaign in accordance with subsection (h).

''(b) PRIORITY FOR AWARD OF GRANTS.—

''(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

''(A) propose to target geographic areas with high rates of—

''(i) eligible but unenrolled children, including such children who reside in rural areas; or

''(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

''(B) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

''(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

''(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

''(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

''(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

''(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

''(4) an assurance that the eligible entity shall—

''(A) conduct an assessment of the effectiveness of such activities against the performance measures;

''(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments; and

''(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

''(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

''(1) make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(4)(B); and

''(2) submit an annual report to Congress on the outreach and enrollment activities conducted with funds appropriated under this section.

''(e) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO STATE MATCH REQUIRED.—In the case of a State that is awarded a grant under this section—

''(1) the State share of funds expended for outreach and enrollment activities under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded; and

''(2) no State matching funds shall be required for the State to receive a grant under this section.

''(f) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following:

''(A) A State with an approved child health plan under this title.

''(B) A local government.

''(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

''(D) A Federal health safety net organization.

''(E) A national, State, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

''(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x–65) relating to a grant award to nongovernmental entities.

''(G) An elementary or secondary school.

''(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term 'Federal health safety net organization' means—

''(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

''(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

''(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

''(D) any other entity or consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

''(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms 'Indian', 'Indian tribe', 'tribal organization', and 'urban Indian organization' have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(4) COMMUNITY HEALTH WORKER.—The term 'community health worker' means an individual who promotes health or nutrition within the community in which the individual resides—

''(A) by serving as a liaison between communities and health care agencies;

''(B) by providing guidance and social assistance to community residents;

''(C) by enhancing community residents' ability to effectively communicate with health care providers;

''(D) by providing culturally and linguistically appropriate health or nutrition education;

''(E) by advocating for individual and community health or nutrition needs; and

''(F) by providing referral and followup services.

''(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $100,000,000 for the period of fiscal years 2008 through 2012, for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

''(h) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2), the Secretary shall develop and implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

''(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

''(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

''(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

''(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

''(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

''(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.''.

(b) ENHANCED ADMINISTRATIVE FUNDING FOR TRANSLATION OR INTERPRETATION SERVICES UNDER CHIP AND MEDICAID.—

(1) CHIP.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)), as amended by section 113, is amended—

(A) in the matter preceding subparagraph (A), by inserting ''(or, in the case of expenditures described in subparagraph (D)(iv), the higher of 75 percent or the sum of the enhanced FMAP plus 5 percentage points)'' after ''enhanced FMAP''; and

(B) in subparagraph (D)—

(i) in clause (iii), by striking ''and'' at the end;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause:

''(iv) for translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, individuals for whom English is not their primary language (as found necessary by the Secretary for the proper and efficient administration of the State plan); and''.

(2) MEDICAID.—

(A) USE OF MEDICAID FUNDS.—Section 1903(a)(2) (42 U.S.C. 1396b(a)(2)) is amended by adding at the end the following new subparagraph:

''(E) an amount equal to 75 percent of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, children of families for whom English is not the primary language; plus''.

(B) USE OF COMMUNITY HEALTH WORKERS FOR OUTREACH ACTIVITIES.—

(i) IN GENERAL.—Section 2102(c)(1) of such Act (42 U.S.C. 1397bb(c)(1)) is amended by inserting ''(through community health workers and others)'' after ''Outreach''.

(ii) IN FEDERAL EVALUATION.—Section 2108(c)(3)(B) of such Act (42 U.S.C. 1397hh(c)(3)(B)) is amended by inserting ''(such as through community health workers and others)'' after ''including practices''.

SEC. 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS.

(a) IN GENERAL.—Section 1139 (42 U.S.C. 1320b–9) is amended to read as follows:

''SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XIX AND XXI.

''(a) AGREEMENTS WITH STATES FOR MEDICAID AND CHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

''(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children's health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

''(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

''(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XIX or XXI.

''(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms 'Indian', 'Indian Tribe', 'Indian Health Program', 'Tribal Organization', and 'Urban Indian Organization' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.''.

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

''(C) NONAPPLICATION TO CERTAIN EXPENDITURES.—The limitation under subparagraph (A) shall not apply with respect to the following expenditures:

''(i) EXPENDITURES TO INCREASE OUTREACH TO, AND THE ENROLLMENT OF, INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—Expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).''.

SEC. 203. STATE OPTION TO RELY ON FINDINGS FROM AN EXPRESS LANE AGENCY TO CONDUCT SIMPLIFIED ELIGIBILITY DETERMINATIONS.

(a) APPLICATION UNDER MEDICAID AND CHIP PROGRAMS.—

(1) MEDICAID.—Section 1902(e) (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

''(13) EXPRESS LANE OPTION.—

''(A) IN GENERAL.—

''(i) OPTION TO USE A FINDING FROM AN EXPRESS LANE AGENCY.—At the option of the State, the State plan may provide that in determining eligibility under this title for a child (as defined in subparagraph (G)), the State may rely on a finding made within a reasonable period (as determined by the State) from an Express Lane agency (as defined in subparagraph (F)) when it determines whether a child satisfies one or more components of eligibility for medical assistance under this title. The State may rely on a finding from an Express Lane agency notwithstanding sections 1902(a)(46)(B) and 1137(d) and any differences in budget unit, disregard, deeming or other methodology, if the following requirements are met:

''(I) PROHIBITION ON DETERMINING CHILDREN INELIGIBLE FOR COVERAGE.—If a finding from an Express Lane agency would result in a determination that a child does not satisfy an eligibility requirement for medical assistance under this title and for child health assistance under title XXI, the State shall determine eligibility for assistance using its regular procedures.

''(II) NOTICE REQUIREMENT.—For any child who is found eligible for medical assistance under the State plan under this title or child health assistance under title XXI and who is subject to premiums based on an Express Lane agency's finding of such child's income level, the State shall provide notice that the child may qualify for lower premium payments if evaluated by the State using its regular policies and of the procedures for requesting such an evaluation.

''(III) COMPLIANCE WITH SCREEN AND ENROLL REQUIREMENT.—The State shall satisfy the requirements under (A) and (B) of section 2102(b)(3) (relating to screen and enroll) before enrolling a child in child health assistance under title XXI. At its option, the State may fulfill such requirements in accordance with either option provided under subparagraph (C) of this paragraph.

''(IV) VERIFICATION OF CITIZENSHIP OR NATIONALITY STATUS.—The State shall satisfy the requirements of section 1902(a)(46)(B) or 2105(c)(10), as applicable for verifications of citizenship or nationality status.

''(V) CODING.—The State meets the requirements of subparagraph (E).

''(ii) OPTION TO APPLY TO RENEWALS AND REDETERMINATIONS.—The State may apply the provisions of this paragraph when conducting initial determinations of eligibility, redeterminations of eligibility, or both, as described in the State plan.

''(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to limit or prohibit a State from taking any actions otherwise permitted under this title or title XXI in determining eligibility for or enrolling children into medical assistance under this title or child health assistance under title XXI; or

''(ii) to modify the limitations in section 1902(a)(5) concerning the agencies that may make a determination of eligibility for medical assistance under this title.

''(C) OPTIONS FOR SATISFYING THE SCREEN AND ENROLL REQUIREMENT.—

''(i) IN GENERAL.—With respect to a child whose eligibility for medical assistance under this title or for child health assistance under title XXI has been evaluated by a State agency using an income finding from an Express Lane agency, a State may carry out its duties under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) in accordance with either clause (ii) or clause (iii).

''(ii) ESTABLISHING A SCREENING THRESHOLD.—

''(I) IN GENERAL.—Under this clause, the State establishes a screening threshold set as a percentage of the Federal poverty level that exceeds the highest income threshold applicable under this title to the child by a minimum of 30 percentage points or, at State option, a higher number of percentage points that reflects the value (as determined by the State and described in the State plan) of any differences between income methodologies used by the program administered by the Express Lane agency and the methodologies used by the State in determining eligibility for medical assistance under this title.

''(II) CHILDREN WITH INCOME NOT ABOVE THRESHOLD.—If the income of a child does not exceed the screening threshold, the child is deemed to satisfy the income eligibility criteria for medical assistance under this title regardless of whether such child would otherwise satisfy such criteria.

''(III) CHILDREN WITH INCOME ABOVE THRESHOLD.—If the income of a child exceeds the screening threshold, the child shall be considered to have an income above the Medicaid applicable income level described in section 2110(b)(4) and to satisfy the requirement under section 2110(b)(1)(C) (relating to the requirement that CHIP matching funds be used only for children not eligible for Medicaid). If such a child is enrolled in child health assistance under title XXI, the State shall provide the parent, guardian, or custodial relative with the following:

''(aa) Notice that the child may be eligible to receive medical assistance under the State plan under this title if evaluated for such assistance under the State's regular procedures and notice of the process through which a parent, guardian, or custodial relative can request that the State evaluate the child's eligibility for medical assistance under this title using such regular procedures.

''(bb) A description of differences between the medical assistance provided under this title and child health assistance under title XXI, including differences in cost-sharing requirements and covered benefits.

''(iii) TEMPORARY ENROLLMENT IN CHIP PENDING SCREEN AND ENROLL.—

''(I) IN GENERAL.—Under this clause, a State enrolls a child in child health assistance under title XXI for a temporary period if the child appears eligible for such assistance based on an income finding by an Express Lane agency.

''(II) DETERMINATION OF ELIGIBILITY.—During such temporary enrollment period, the State shall determine the child's eligibility for child health assistance under title XXI or for medical assistance under this title in accordance with this clause.

''(III) PROMPT FOLLOW UP.—In making such a determination, the State shall take prompt action to determine whether the child should be enrolled in medical assistance under this title or child health assistance under title XXI pursuant to subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll).

''(IV) REQUIREMENT FOR SIMPLIFIED DETERMINATION.—In making such a determination, the State shall use procedures that, to the maximum feasible extent, reduce the burden imposed on the individual of such determination. Such procedures may not require the child's parent, guardian, or custodial relative to provide or verify information that already has been provided to the State agency by an Express Lane agency or another source of information unless the State agency has reason to believe the information is erroneous.

''(V) AVAILABILITY OF CHIP MATCHING FUNDS DURING TEMPORARY ENROLLMENT PERIOD.—Medical assistance for items and services that are provided to a child enrolled in title XXI during a temporary enrollment period under this clause shall be treated as child health assistance under such title.

''(D) OPTION FOR AUTOMATIC ENROLLMENT.—

''(i) IN GENERAL.—The State may initiate and determine eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan without a program application from, or on behalf of, the child based on data obtained from sources other than the child (or the child's family), but a child can only be automatically enrolled in the State Medicaid plan or the State CHIP plan if the child or the family affirmatively consents to being enrolled through affirmation and signature on an Express Lane agency application, if the requirement of clause (ii) is met.

''(ii) INFORMATION REQUIREMENT.—The requirement of this clause is that the State informs the parent, guardian, or custodial relative of the child of the services that will be covered, appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations (under section 1912(a)) created by enrollment (if applicable), and the actions the parent, guardian, or relative must take to maintain enrollment and renew coverage.

''(E) CODING; APPLICATION TO ENROLLMENT ERROR RATES.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(iv), the requirement of this subparagraph for a State is that the State agrees to—

''(I) assign such codes as the Secretary shall require to the children who are enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency for the duration of the State's election under this paragraph;

''(II) annually provide the Secretary with a statistically valid sample (that is approved by Secretary) of the children enrolled in such plans through reliance on such a finding by conducting a full Medicaid eligibility review of the children identified for such sample for purposes of determining an eligibility error rate (as described in clause (iv)) with respect to the enrollment of such children (and shall not include such children in any data or samples used for purposes of complying with a Medicaid Eligibility Quality Control (MEQC) review or a payment error rate measurement (PERM) requirement);

''(III) submit the error rate determined under subclause (II) to the Secretary;

''(IV) if such error rate exceeds 3 percent for either of the first 2 fiscal years in which the State elects to apply this paragraph, demonstrate to the satisfaction of the Secretary the specific corrective actions implemented by the State to improve upon such error rate; and

''(V) if such error rate exceeds 3 percent for any fiscal year in which the State elects to apply this paragraph, a reduction in the amount otherwise payable to the State under section 1903(a) for quarters for that fiscal year, equal to the total amount of erroneous excess payments determined for the fiscal year only with respect to the children included in the sample for the fiscal year that are in excess of a 3 percent error rate with respect to such children.

''(ii) NO PUNITIVE ACTION BASED ON ERROR RATE.—The Secretary shall not apply the error rate derived from the sample under clause (i) to the entire population of children enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency, or to the population of children enrolled in such plans on the basis of the State's regular procedures for determining eligibility, or penalize the State on the basis of such error rate in any manner other than the reduction of payments provided for under clause (i)(V).

''(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as relieving a State that elects to apply this paragraph from being subject to a penalty under section 1903(u), for payments made under the State Medicaid plan with respect to ineligible individuals and families that are determined to exceed the error rate permitted under that section (as determined without regard to the error rate determined under clause (i)(II)).

''(iv) ERROR RATE DEFINED.—In this subparagraph, the term 'error rate' means the rate of erroneous excess payments for medical assistance (as defined in section 1903(u)(1)(D)) for the period involved, except that such payments shall be limited to individuals for which eligibility determinations are made under this paragraph and except that in applying this paragraph under title XXI, there shall be substituted for references to provisions of this title corresponding provisions within title XXI.

''(F) EXPRESS LANE AGENCY.—

''(i) IN GENERAL.—In this paragraph, the term 'Express Lane agency' means a public agency that—

''(I) is determined by the State Medicaid agency or the State CHIP agency (as applicable) to be capable of making the determinations of one or more eligibility requirements described in subparagraph (A)(i);

''(II) is identified in the State Medicaid plan or the State CHIP plan; and

''(III) notifies the child's family—

''(aa) of the information which shall be disclosed in accordance with this paragraph;

''(bb) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan; and

''(cc) that the family may elect to not have the information disclosed for such purposes; and

''(IV) enters into, or is subject to, an interagency agreement to limit the disclosure and use of the information disclosed.

''(ii) INCLUSION OF SPECIFIC PUBLIC AGENCIES.—Such term includes the following:

''(I) A public agency that determines eligibility for assistance under any of the following:

''(aa) The temporary assistance for needy families program funded under part A of title IV.

''(bb) A State program funded under part D of title IV.

''(cc) The State Medicaid plan.

''(dd) The State CHIP plan.

''(ee) The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).

''(ff) The Head Start Act (42 U.S.C. 9801 et seq.).

''(gg) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(hh) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

''(ii) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

''(jj) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

''(kk) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

''(ll) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

''(II) A State-specified governmental agency that has fiscal liability or legal responsibility for the accuracy of the eligibility determination findings relied on by the State.

''(III) A public agency that is subject to an interagency agreement limiting the disclosure and use of the information disclosed for purposes of determining eligibility under the State Medicaid plan or the State CHIP plan.

''(iii) EXCLUSIONS.—Such term does not include an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX or a private, for-profit organization.

''(iv) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

''(I) exempting a State Medicaid agency from complying with the requirements of section 1902(a)(4) relating to merit-based personnel standards for employees of the State Medicaid agency and safeguards against conflicts of interest); or

''(II) authorizing a State Medicaid agency that elects to use Express Lane agencies under this subparagraph to use the Express Lane option to avoid complying with such requirements for purposes of making eligibility determinations under the State Medicaid plan.

''(v) ADDITIONAL DEFINITIONS.—In this paragraph:

''(I) STATE.—The term 'State' means 1 of the 50 States or the District of Columbia.

''(II) STATE CHIP AGENCY.—The term 'State CHIP agency' means the State agency responsible for administering the State CHIP plan.

''(III) STATE CHIP PLAN.—The term 'State CHIP plan' means the State child health plan established under title XXI and includes any waiver of such plan.

''(IV) STATE MEDICAID AGENCY.—The term 'State Medicaid agency' means the State agency responsible for administering the State Medicaid plan.

''(V) STATE MEDICAID PLAN.—The term 'State Medicaid plan' means the State plan established under title XIX and includes any waiver of such plan.

''(G) CHILD DEFINED.—For purposes of this paragraph, the term 'child' means an individual under 19 years of age, or, at the option of a State, such higher age, not to exceed 21 years of age, as the State may elect.

''(H) APPLICATION.—This paragraph shall not apply to with respect to eligibility determinations made after September 30, 2012.''.

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by redesignating

subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) Section 1902(e)(13) (relating to the State option to rely on findings from an Express Lane agency to help evaluate a child's eligibility for medical assistance).''.

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, by grant, contract, or interagency agreement, a comprehensive, independent evaluation of the option provided under the amendments made by subsection (a). Such evaluation shall include an analysis of the effectiveness of the option, and shall include—

(A) obtaining a statistically valid sample of the children who were enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency and determining the percentage of children who were erroneously enrolled in such plans;

(B) determining whether enrolling children in such plans through reliance on a finding made by an Express Lane agency improves the ability of a State to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans;

(C) evaluating the administrative costs or savings related to identifying and enrolling children in such plans through reliance on such findings, and the extent to which such costs differ from the costs that the State otherwise would have incurred to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans; and

(D) any recommendations for legislative or administrative changes that would improve the effectiveness of enrolling children in such plans through reliance on such findings.

(2) REPORT TO CONGRESS.—Not later than September 30, 2011, the Secretary shall submit a report to Congress on the results of the evaluation under paragraph (1).

(3) FUNDING.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out the evaluation under this subsection $5,000,000 for the period of fiscal years 2008 through 2011.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of such amount to conduct the evaluation under this subsection.

(c) ELECTRONIC TRANSMISSION OF INFORMATION.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

''(dd) ELECTRONIC TRANSMISSION OF INFORMATION.—If the State agency determining eligibility for medical assistance under this title or child health assistance under title XXI verifies an element of eligibility based on information from an Express Lane Agency (as defined in subsection (e)(13)(F)), or from another public agency, then the applicant's signature under penalty of perjury shall not be required as to such element. Any signature requirement for an application for medical assistance may be satisfied through an electronic signature, as defined in section 1710(1) of the Government Paperwork Elimination Act (44 U.S.C. 3504 note). The requirements of subparagraphs (A) and (B) of section 1137(d)(2) may be met through evidence in digital or electronic form.''.

(d) AUTHORIZATION OF INFORMATION DISCLOSURE.—

(1) IN GENERAL.—Title XIX is amended—

(A) by redesignating section 1939 as section 1940; and

(B) by inserting after section 1938 the following new section:

''SEC. 1939. AUTHORIZATION TO RECEIVE RELEVANT INFORMATION.

''(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data directly relevant to eligibility determinations under this title (including eligibility files maintained by Express Lane agencies described in section 1902(e)(13)(F), information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, to the extent such conveyance meets the requirements of subsection (b).

''(b) REQUIREMENTS FOR CONVEYANCE.—Data or information may be conveyed pursuant to subsection (a) only if the following requirements are met:

''(1) The individual whose circumstances are described in the data or information (or such individual's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.

''(2) Such data or information are used solely for the purposes of—

''(A) identifying individuals who are eligible or potentially eligible for medical assistance under this title and enrolling or attempting to enroll such individuals in the State plan; and

''(B) verifying the eligibility of individuals for medical assistance under the State plan.

''(3) An interagency or other agreement, consistent with standards developed by the Secretary—

''(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and

''(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll individuals in the plan.

''(c) PENALTIES FOR IMPROPER DISCLOSURE.—

''(1) CIVIL MONEY PENALTY.—A private entity described in the subsection (a) that publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section is subject to a civil money penalty in an amount equal to $10,000 for each such unauthorized publication or disclosure. The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(2) CRIMINAL PENALTY.—A private entity described in the subsection (a) that willfully publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall be fined not more than $10,000 or imprisoned not more than 1 year, or both, for each such unauthorized publication or disclosure.

''(d) RULE OF CONSTRUCTION.—The limitations and requirements that apply to disclosure pursuant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section).''.

(2) CONFORMING AMENDMENT TO TITLE XXI.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by subsection (a)(2), is amended by adding at the end the following new subparagraph:

''(F) Section 1939 (relating to authorization to receive data directly relevant to eligibility determinations).''.

(3) CONFORMING AMENDMENT TO PROVIDE ACCESS TO DATA ABOUT ENROLLMENT IN INSURANCE FOR PURPOSES OF EVALUATING APPLICATIONS AND FOR CHIP.—Section 1902(a)(25)(I)(i) (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by inserting ''(and, at State option, individuals who apply or whose eligibility for medical assistance is being evaluated in accordance with section 1902(e)(13)(D))'' after ''with respect to individuals who are eligible''; and

(B) by inserting ''under this title (and, at State option, child health assistance under title XXI)'' after ''the State plan''.

(e) AUTHORIZATION FOR STATES ELECTING EXPRESS LANE OPTION TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.—The Secretary shall enter into such agreements as are necessary to permit a State that elects the Express Lane option under section 1902(e)(13) of the Social Security Act to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under a State child health plan under CHIP or a State plan under Medicaid from the following:

(1) The National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

(2) Data regarding enrollment in insurance that may help to facilitate outreach and enrollment under the State Medicaid plan, the State CHIP plan, and such other programs as the Secretary may specify.

(f) EFFECTIVE DATE.—The amendments made by this section are effective on January 1, 2008.

Subtitle B—Reducing Barriers to Enrollment

SEC. 211. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP.

(a) STATE OPTION TO VERIFY DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID THROUGH VERIFICATION OF NAME AND SOCIAL SECURITY NUMBER.—

(1) ALTERNATIVE TO DOCUMENTATION REQUIREMENT.—

(A) IN GENERAL.—Section 1902 (42 U.S.C. 1396a), as amended by section 203(c), is amended—

(i) in subsection (a)(46)—

(I) by inserting ''(A)'' after ''(46)'';

(II) by adding ''and'' after the semicolon; and

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

''(B) provide, with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, that the State shall satisfy the requirements of—

''(i) section 1903(x); or

''(ii) subsection (ee);''; and

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

''(ee)(1) For purposes of subsection (a)(46)(B)(ii), the requirements of this subsection with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, are, in lieu of requiring the individual to present satisfactory documentary evidence of citizenship or nationality under section 1903(x) (if the individual is not described in paragraph (2) of that section), as follows:

''(A) The State submits the name and social security number of the individual to the Commissioner of Social Security as part of the program established under paragraph (2).

''(B) If the State receives notice from the Commissioner of Social Security that the name or social security number of the individual is invalid—

''(i) the State makes a reasonable effort to identify and address the causes of such invalid match, including through typographical or other clerical errors, by contacting the individual to confirm the accuracy of the name or social security number, respectively, submitted, and by taking such additional actions as the Secretary, through regulation or other guidance, or the State may identify, and continues to provide the individual with medical assistance while making such effort; and

''(ii) in the case that the name or social security number of the individual remains invalid after such reasonable efforts, the State—

''(I) notifies the individual of such fact;

''(II) provides the individual with a period of 90 days from the date on which the notice required under subclause (I) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or cure the invalid determination with the Commissioner of Social Security (and continues to provide the individual with medical assistance during such 90-day period); and

''(III) disenrolls the individual from the State plan under this title within 30 days after the end of such 90-day period if no such documentary evidence is presented or if such invalid determination is not cured.

''(2)(A) Each State electing to satisfy the requirements of this subsection for purposes of section 1902(a)(46)(B) shall establish a program under which the State submits each month to the Commissioner of Social Security for verification the name and social security number of each individual newly enrolled in the State plan under this title that month who is not described in section 1903(x)(2).

''(B) In establishing the State program under this paragraph, the State may enter into an agreement with the Commissioner of Social Security—

''(i) to provide for the electronic submission and verification, through an on-line system or otherwise, of the name and social security number of an individual enrolled in the State plan under this title;

''(ii) to submit to the Commissioner the names and social security numbers of such individuals on a batch basis, provided that such batches are submitted at least on a monthly basis; or

''(iii) to provide for the verification of the names and social security numbers of such individuals through such other method as agreed to by the State and the Commissioner and approved by the Secretary, provided that such method is no more burdensome for individuals to comply with than any burdens that may apply under a method described in clause (i) or (ii).

''(C) The program established under this paragraph shall provide that, in the case of any individual who is required to submit a social security number to the State under subparagraph (A) and who is unable to provide the State with such number, shall be provided with at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.

''(3)(A) The State agency implementing the plan approved under this title shall, at such times and in such form as the Secretary may specify, provide information on the percentage each month that the invalid names and numbers submitted bears to the total submitted for verification. For purposes of the previous sentence, a name or social security number of an individual shall be treated as invalid and included in the determination of such percentage only if—

''(i) the name or social security number, respectively, submitted by the individual does not match Social Security Administration records;

''(ii) the inconsistency between the name or number, respectively, so submitted and the Social Security Administration records could not be resolved by the State;

''(iii) the individual was provided with a reasonable period of time to resolve the inconsistency with the Social Security Administration or provide satisfactory documentation of citizenship and did not successfully resolve such inconsistency; and

''(iv) payment has been made for an item or service furnished to the individual under this title.

''(B) If, for any fiscal year, the average monthly percentage determined under subparagraph (A) is greater than 3 percent—

''(i) the State shall develop and adopt a corrective plan to review its procedures for verifying the identities of individuals seeking to enroll in the State plan under this title and to identify and implement changes in such procedures to improve their accuracy; and

''(ii) pay to the Secretary an amount equal to the amount which bears the same ratio to the total payments under the State plan for the fiscal year for providing medical assistance to individuals who provided invalid information as the number of individuals with invalid information in excess of 3 percent of such total submitted bears to the total number of individuals with invalid information.

''(C) The Secretary may waive, in certain limited cases, all or part of the payment under subparagraph (B)(ii) if the State is unable to reach the allowable error rate despite a good faith effort by such State.

''(D) This paragraph shall not apply to a State for a fiscal year if there is an agreement described in paragraph (2)(B) in effect as of the close of the fiscal year.

''(4) Nothing in this subsection shall affect the rights of any individual under this title to appeal any disenrollment from a State plan.''.

(B) COSTS OF IMPLEMENTING AND MAINTAINING SYSTEM.—Section 1903(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(i) by striking ''plus'' at the end of subparagraph (E) and inserting ''and'', and

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

''(F)(i) 90 percent of the sums expended during the quarter as are attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement section 1902(ee) (including a system described in paragraph (2)(B) thereof), and

''(ii) 75 percent of the sums expended during the quarter as are attributable to the operation of systems to which clause (i) applies, plus''.

(2) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(3) CONFORMING AMENDMENTS.—Section 1903 (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(22), by striking ''subsection (x)'' and inserting ''section 1902(a)(46)(B)''; and

(B) in subsection (x)(1), by striking ''subsection (i)(22)'' and inserting ''section 1902(a)(46)(B)(i)''.

(b) CLARIFICATION OF REQUIREMENTS RELATING TO PRESENTATION OF SATISFACTORY DOCUMENTARY EVIDENCE OF CITIZENSHIP OR NATIONALITY.—

(1) ACCEPTANCE OF DOCUMENTARY EVIDENCE ISSUED BY A FEDERALLY RECOGNIZED INDIAN TRIBE.—Section 1903(x)(3)(B) (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

''(v)(I) Except as provided in subclause (II), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

''(II) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.''.

(2) REQUIREMENT TO PROVIDE REASONABLE OPPORTUNITY TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE.—Section 1903(x) (42 U.S.C. 1396b(x)) is amended by adding at the end the following new paragraph:

''(4) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B)(i), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.''.

(3) CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—

(A) CLARIFICATION OF RULES.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by paragraph (2), is amended—

(i) in paragraph (2)—

(I) in subparagraph (C), by striking ''or'' at the end;

(II) by redesignating subparagraph (D) as subparagraph (E); and

(III) by inserting after subparagraph (C) the following new subparagraph:

''(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or''; and

(ii) by adding at the end the following new paragraph:

''(5) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to

subsection (v) shall be deemed eligible for medical assistance during the first year of such child's life.''.

(B) STATE REQUIREMENT TO ISSUE SEPARATE IDENTIFICATION NUMBER.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: ''Notwithstanding the preceding sentence, in the case of a child who is born in the United States to an alien mother for whom medical assistance for the delivery of the child is made available pursuant to section 1903(v), the State immediately shall issue a separate identification number for the child upon notification by the facility at which such delivery occurred of the child's birth.''.

(4) TECHNICAL AMENDMENTS.—Section 1903(x)(2) (42 U.S.C. 1396b(x)) is amended—

(A) in subparagraph (B)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left; and

(B) in subparagraph (C)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left.

(c) APPLICATION OF DOCUMENTATION SYSTEM TO CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by sections 114(a) and 116(c), is amended by adding at the end the following new paragraph:

''(10) CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

''(A) IN GENERAL.—No payment may be made under this section with respect to an individual who has, or is, declared to be a citizen or national of the United States for purposes of establishing eligibility under this title unless the State meets the requirements of section 1902(a)(46)(B) with respect to the individual.

''(B) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures described in clause (i) or (ii) of section 1903(a)(3)(F) necessary to comply with subparagraph (A) shall in no event be less than 90 percent and 75 percent, respectively.''.

(2) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 202(b), is amended by adding at the end the following:

''(ii) EXPENDITURES TO COMPLY WITH CITIZENSHIP OR NATIONALITY VERIFICATION REQUIREMENTS.—Expenditures necessary for the State to comply with paragraph (9)(A).''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on October 1, 2008.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432; 120 Stat. 2996).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on October 1, 2008, was determined to be ineligible for medical assistance under a State Medicaid plan, including any waiver of such plan, solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by subsection (b), had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

(3) SPECIAL TRANSITION RULE FOR INDIANS.—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by subsection (b)(1)(B)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

SEC. 212. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT.

Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) REDUCTION OF ADMINISTRATIVE BARRIERS TO ENROLLMENT.—

''(A) IN GENERAL.—Subject to subparagraph (B), the plan shall include a description of the procedures used to reduce administrative barriers to the enrollment of children and pregnant women who are eligible for medical assistance under title XIX or for child health assistance or health benefits coverage under this title. Such procedures shall be established and revised as often as the State determines appropriate to take into account the most recent information available to the State identifying such barriers.

''(B) DEEMED COMPLIANCE IF JOINT APPLICATION AND RENEWAL PROCESS THAT PERMITS APPLICATION OTHER THAN IN PERSON.—A State shall be deemed to comply with subparagraph (A) if the State's application and renewal forms and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children and pregnant women for medical assistance under title XIX and child health assistance under this title, and such process does not require an application to be made in person or a face-to-face interview.''.

SEC. 213. MODEL OF INTERSTATE COORDINATED ENROLLMENT AND COVERAGE PROCESS.

(a) IN GENERAL.—In order to assure continuity of coverage of low-income children under the Medicaid program and the State Children's Health Insurance Program (CHIP), not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with State Medicaid and CHIP directors and organizations representing program beneficiaries, shall develop a model process for the coordination of the enrollment, retention, and coverage under such programs of children who, because of migration of families, emergency evacuations, natural or other disasters, public health emergencies, educational needs, or otherwise, frequently change their State of residency or otherwise are temporarily located outside of the State of their residency.

(b) REPORT TO CONGRESS.—After development of such model process, the Secretary of Health and Human Services shall submit to Congress a report describing additional steps or authority needed to make further improvements to coordinate the enrollment, retention, and coverage under CHIP and Medicaid of children described in subsection (a).

TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

SEC. 301. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.

(a) CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by sections 114(a), 116(c), and 211(c), is amended by adding at the end the following:

''(11) STATE OPTION TO OFFER PREMIUM ASSISTANCE.—

''(A) IN GENERAL.—A State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer-sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph. No subsidy shall be provided to a targeted low-income child under this paragraph unless the child (or the child's parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of child health assistance.

''(B) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

''(i) IN GENERAL.—Subject to clause (ii), in this paragraph, the term 'qualified employer-sponsored coverage' means a group health plan or health insurance coverage offered through an employer—

''(I) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

''(II) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

''(III) that is offered to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

''(ii) EXCEPTION.—Such term does not include coverage consisting of—

''(I) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

''(II) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

''(C) PREMIUM ASSISTANCE SUBSIDY.—

''(i) IN GENERAL.—In this paragraph, the term 'premium assistance subsidy' means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer-sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan (subject to the limitations imposed under section 2103(e), including the requirement to count the total amount of the employee contribution required for enrollment of the employee and the child in such coverage toward the annual aggregate cost-sharing limit applied under paragraph (3)(B) of such section).

''(ii) STATE PAYMENT OPTION.—A State may provide a premium assistance subsidy either

as reimbursement to an employee for out-of-pocket expenditures or, subject to clause (iii), directly to the employee's employer.

''(iii) EMPLOYER OPT-OUT.—An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such a notification, an employer shall withhold the total amount of the employee contribution required for enrollment of the employee and the child in the qualified employer-sponsored coverage and the State shall pay the premium assistance subsidy directly to the employee.

''(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

''(D) APPLICATION OF SECONDARY PAYOR RULES.—The State shall be a secondary payor for any items or services provided under the qualified employer-sponsored coverage for which the State provides child health assistance under the State child health plan.

''(E) REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.—

''(i) IN GENERAL.—Notwithstanding section 2110(b)(1)(C), the State shall provide for each targeted low-income child enrolled in qualified employer-sponsored coverage, supplemental coverage consisting of—

''(I) items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage; and

''(II) cost-sharing protection consistent with section 2103(e).

''(ii) RECORD KEEPING REQUIREMENTS.—For purposes of carrying out clause (i), a State may elect to directly pay out-of-pocket expenditures for cost-sharing imposed under the qualified employer-sponsored coverage and collect or not collect all or any portion of such expenditures from the parent of the child.

''(F) APPLICATION OF WAITING PERIOD IMPOSED UNDER THE STATE.—Any waiting period imposed under the State child health plan prior to the provision of child health assistance to a targeted low-income child under the State plan shall apply to the same extent to the provision of a premium assistance subsidy for the child under this paragraph.

''(G) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of a targeted low-income child receiving a premium assistance subsidy to disenroll the child from the qualified employer-sponsored coverage and enroll the child in, and receive child health assistance under, the State child health plan, effective on the first day of any month for which the child is eligible for such assistance and in a manner that ensures continuity of coverage for the child.

''(H) APPLICATION TO PARENTS.—If a State provides child health assistance or health benefits coverage to parents of a targeted low-income child in accordance with section 2111(b), the State may elect to offer a premium assistance subsidy to a parent of a targeted low-income child who is eligible for such a subsidy under this paragraph in the same manner as the State offers such a subsidy for the enrollment of the child in qualified employer-sponsored coverage, except that—

''(i) the amount of the premium assistance subsidy shall be increased to take into account the cost of the enrollment of the parent in the qualified employer-sponsored coverage or, at the option of the State if the State determines it cost-effective, the cost of the enrollment of the child's family in such coverage; and

''(ii) any reference in this paragraph to a child is deemed to include a reference to the parent or, if applicable under clause (i), the family of the child.

''(I) ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.—

''(i) IN GENERAL.—A State may establish an employer-family premium assistance purchasing pool for employers with less than 250 employees who have at least 1 employee who is a pregnant woman eligible for assistance under the State child health plan (including through the application of an option described in section 2112(f)) or a member of a family with at least 1 targeted low-income child and to provide a premium assistance subsidy under this paragraph for enrollment in coverage made available through such pool.

''(ii) ACCESS TO CHOICE OF COVERAGE.—A State that elects the option under clause (i) shall identify and offer access to not less than 2 private health plans that are health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2) for employees described in clause (i).

''(iii) CLARIFICATION OF PAYMENT FOR ADMINISTRATIVE EXPENDITURES.—Nothing in this subparagraph shall be construed as permitting payment under this section for administrative expenditures attributable to the establishment or operation of such pool, except to the extent that such payment would otherwise be permitted under this title.

''(J) NO EFFECT ON PREMIUM ASSISTANCE WAIVER PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906 or 1906A, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect prior to the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007.

''(K) NOTICE OF AVAILABILITY.—If a State elects to provide premium assistance subsidies in accordance with this paragraph, the State shall—

''(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer-sponsored coverage;

''(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

''(iii) establish such other procedures as the State determines necessary to ensure that parents are fully informed of the choices for receiving child health assistance under the State child health plan or through the receipt of premium assistance subsidies.

''(L) APPLICATION TO QUALIFIED EMPLOYER-SPONSORED BENCHMARK COVERAGE.—If a group health plan or health insurance coverage offered through an employer is certified by an actuary as health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2), the State may provide premium assistance subsidies for enrollment of targeted low-income children in such group health plan or health insurance coverage in the same manner as such subsidies are provided under this paragraph for enrollment in qualified employer-sponsored coverage, but without regard to the requirement to provide supplemental coverage for benefits and cost-sharing protection provided under the State child health plan under subparagraph (E).

''(M) SATISFACTION OF COST-EFFECTIVENESS TEST.—Premium assistance subsidies for qualified employer-sponsored coverage offered under this paragraph shall be deemed to meet the requirement of subparagraph (A) of paragraph (3).''.

(2) DETERMINATION OF COST-EFFECTIVENESS FOR PREMIUM ASSISTANCE OR PURCHASE OF FAMILY COVERAGE.—

(A) IN GENERAL.—Section 2105(c)(3)(A) (42 U.S.C. 1397ee(c)(3)(A)) is amended by striking ''relative to'' and all that follows through the comma and inserting ''relative to

''(i) the amount of expenditures under the State child health plan, including administrative expenditures, that the State would have made to provide comparable coverage of the targeted low-income child involved or the family involved (as applicable); or

''(ii) the aggregate amount of expenditures that the State would have made under the State child health plan, including administrative expenditures, for providing coverage under such plan for all such children or families.''.

(B) NONAPPLICATION TO PREVIOUSLY APPROVED COVERAGE.—The amendment made by subparagraph (A) shall not apply to coverage the purchase of which has been approved by the Secretary under section 2105(c)(3) of the Social Security Act prior to the date of enactment of this Act.

(b) MEDICAID.—Title XIX is amended by inserting after section 1906 the following new section:

''PREMIUM ASSISTANCE OPTION FOR CHILDREN

''SEC. 1906A. (a) IN GENERAL.—A State may elect to offer a premium assistance subsidy (as defined in subsection (c)) for qualified employer-sponsored coverage (as defined in subsection (b)) to all individuals under age 19 who are entitled to medical assistance under this title (and to the parent of such an individual) who have access to such coverage if the State meets the requirements of this section.

''(b) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

''(1) IN GENERAL.—Subject to paragraph (2)), in this paragraph, the term 'qualified employer-sponsored coverage' means a group health plan or health insurance coverage offered through an employer—

''(A) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

''(B) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

''(C) that is offered to all individuals in a manner that would be considered a non-discriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

''(2) EXCEPTION.—Such term does not include coverage consisting of—

''(A) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

''(B) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

''(3) TREATMENT AS THIRD PARTY LIABILITY.—The State shall treat the coverage provided under qualified employer-sponsored coverage as a third party liability under section 1902(a)(25).

''(c) PREMIUM ASSISTANCE SUBSIDY.—In this section, the term 'premium assistance subsidy' means the amount of the employee contribution for enrollment in the qualified employer-sponsored coverage by the individual under age 19 or by the individual's family. Premium assistance subsidies under this section shall be considered, for purposes of section 1903(a), to be a payment for medical assistance.

''(d) VOLUNTARY PARTICIPATION.—

''(1) EMPLOYERS.—Participation by an employer in a premium assistance subsidy offered by a State under this section shall be voluntary. An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee.

''(2) BENEFICIARIES.—No subsidy shall be provided to an individual under age 19 under this section unless the individual (or the individual's parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of medical assistance. State may not require, as a condition of an individual under age 19 (or the individual's parent) being or remaining eligible for medical assistance under this title, apply for enrollment in qualified employer-sponsored coverage under this section.

''(3) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of an individual under age 19 receiving a premium assistance subsidy to disenroll the individual from the qualified employer-sponsored coverage.

''(e) REQUIREMENT TO PAY PREMIUMS AND COST-SHARING AND PROVIDE SUPPLEMENTAL COVERAGE.—In the case of the participation of an individual under age 19 (or the individual's parent) in a premium assistance subsidy under this section for qualified employer-sponsored coverage, the State shall provide for payment of all enrollee premiums for enrollment in such coverage and all deductibles, coinsurance, and other cost-sharing obligations for items and services otherwise covered under the State plan under this title (exceeding the amount otherwise permitted under section 1916 or, if applicable, section 1916A). The fact that an individual under age 19 (or a parent) elects to enroll in qualified employer-sponsored coverage under this section shall not change the individual's (or parent's) eligibility for medical assistance under the State plan, except insofar as section 1902(a)(25) provides that payments for such assistance shall first be made under such coverage.''.

(c) GAO STUDY AND REPORT.—Not later than January 1, 2009, the Comptroller General of the United States shall study cost and coverage issues relating to any State premium assistance programs for which Federal matching payments are made under title XIX or XXI of the Social Security Act, including under waiver authority, and shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the results of such study.

SEC. 302. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE.

(a) REQUIREMENT TO INCLUDE DESCRIPTION OF OUTREACH, EDUCATION, AND ENROLLMENT EFFORTS RELATED TO PREMIUM ASSISTANCE SUBSIDIES IN STATE CHILD HEALTH PLAN.—Section 2102(c) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following new paragraph:

''(3) PREMIUM ASSISTANCE SUBSIDIES.—In the case of a State that provides for premium assistance subsidies under the State child health plan in accordance with paragraphs (2)(B), (3), or (10) of section 2105(c), or a waiver approved under section 1115, outreach, education, and enrollment assistance for families of children likely to be eligible for such subsidies, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and for employers likely to provide coverage that is eligible for such subsidies, including the specific, significant resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the State child health plan.''.

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 301(c)(2), is amended by adding at the end the following new clause:

''(iv) EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF CHILDREN UNDER THIS TITLE AND TITLE xix THROUGH PREMIUM ASSISTANCE SUBSIDIES.—Expenditures for outreach activities to families of children likely to be eligible for premium assistance subsidies in accordance with paragraphs (2)(B), (3), or (10), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and to employers likely to provide qualified employer-sponsored coverage (as defined in subparagraph (B) of such paragraph), but not to exceed an amount equal to 1.25 percent of the maximum amount permitted to be expended under subparagraph (A) for items described in subsection (a)(1)(D).''.

Subtitle B—Coordinating Premium Assistance With Private Coverage

SEC. 311. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE; COORDINATION OF COVERAGE.

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 9801(f) of the Internal Revenue Code of 1986 (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES RELATING TO MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) EMPLOYEE OUTREACH AND DISCLOSURE.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this clause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

''(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024).

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(A) IN GENERAL.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent

under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) COORDINATION WITH MEDICAID AND CHIP.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents.

''(II) MODEL NOTICE.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary and the Secretary of Health and Human Services, in consultation with Directors of State Medicaid agencies under title XIX of the Social Security Act and Directors of State CHIP agencies under title XXI of such Act, shall jointly develop national and State-specific model notices for purposes of subparagraph (A). The Secretary shall provide employers with such model notices so as to enable employers to timely comply with the requirements of subparagraph (A). Such model notices shall include information regarding how an employee may contact the State in which the employee resides for additional information regarding potential opportunities for such premium assistance, including how to apply for such assistance.

''(III) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b)..

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

(B) CONFORMING AMENDMENT.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022(b)) is amended—

(i) by striking ''and the remedies'' and inserting '', the remedies''; and

(ii) by inserting before the period the following: '', and if the employer so elects for purposes of complying with section 701(f)(3)(B)(i), the model notice applicable to the State in which the participants and beneficiaries reside''.

(C) WORKING GROUP TO DEVELOP MODEL COVERAGE COORDINATION DISCLOSURE FORM.—

(i) MEDICAID, CHIP, AND EMPLOYER-SPONSORED COVERAGE COORDINATION WORKING GROUP.—

(I) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group (in this subparagraph referred to as the ''Working Group''). The purpose of the Working Group shall be to develop the model coverage coordination disclosure form described in subclause (II) and to identify the impediments to the effective coordination of coverage available to families that include employees of employers that maintain group health plans and members who are eligible for medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(II) MODEL COVERAGE COORDINATION DISCLOSURE FORM DESCRIBED.—The model form described in this subclause is a form for plan administrators of group health plans to complete for purposes of permitting a State to determine the availability and cost-effectiveness of the coverage available under such plans to employees who have family members who are eligible for premium assistance offered under a State plan under title XIX or XXI of such Act and to allow for coordination of coverage for enrollees of such plans. Such form shall provide the following information in addition to such other information as the Working Group determines appropriate:

(aa) A determination of whether the employee is eligible for coverage under the group health plan.

(bb) The name and contract information of the plan administrator of the group health plan.

(cc) The benefits offered under the plan.

(dd) The premiums and cost-sharing required under the plan.

(ee) Any other information relevant to coverage under the plan.

(ii) MEMBERSHIP.—The Working Group shall consist of not more than 30 members and shall be composed of representatives of—

(I) the Department of Labor;

(II) the Department of Health and Human Services;

(III) State directors of the Medicaid program under title XIX of the Social Security Act;

(IV) State directors of the State Children's Health Insurance Program under title XXI of the Social Security Act;

(V) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974);

(VII) health insurance issuers; and

(VIII) children and other beneficiaries of medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(iii) COMPENSATION.—The members of the Working Group shall serve without compensation.

(iv) ADMINISTRATIVE SUPPORT.—The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

(v) REPORT.—

(I) REPORT BY WORKING GROUP TO THE SECRETARIES.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services the model form described in clause (i)(II) along with a report containing recommendations for appropriate measures to address the impediments to the effective coordination of coverage between group health plans and the State plans under titles XIX and XXI of the Social Security Act.

(II) REPORT BY SECRETARIES TO THE CONGRESS.—Not later than 2 months after receipt of the report pursuant to subclause (I), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under such subclause.

(vi) TERMINATION.—The Working Group shall terminate 30 days after the date of the issuance of its report under clause (v).

(D) EFFECTIVE DATES.—The Secretary of Labor and the Secretary of Health and Human Services shall develop the initial model notices under section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974, and the Secretary of Labor shall provide such notices to employers, not later than the date that is 1 year after the date of enactment of this Act, and each employer shall provide the initial annual notices to such employer's employees beginning with the first plan year that begins after the date on which such initial model notices are first issued. The model coverage coordination disclosure form developed under subparagraph (C) shall apply with respect to requests made by States beginning with the first plan year that begins after the date on which such model coverage coordination disclosure form is first issued.

(E) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(i) in subsection (a)(6), by striking ''or (8)'' and inserting ''(8), or (9)''; and

(ii) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following:

''(9)(A) The Secretary may assess a civil penalty against any employer of up to $100 a day from the date of the employer's failure to meet the notice requirement of section 701(f)(3)(B)(i)(I). For purposes of this subparagraph, each violation with respect to

any single employee shall be treated as a separate violation.

''(B) The Secretary may assess a civil penalty against any plan administrator of up to $100 a day from the date of the plan administrator's failure to timely provide to any State the information required to be disclosed under section 701(f)(3)(B)(ii). For purposes of this subparagraph, each violation with respect to any single participant or beneficiary shall be treated as a separate violation.''.

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

''(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

''(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

''(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

''(B) COORDINATION WITH MEDICAID AND CHIP.—

''(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

''(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

''(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

''(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2007, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.''.

TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

SEC. 401. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.

(a) DEVELOPMENT OF CHILD HEALTH QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1139 the following new section:

''SEC. 1139A. CHILD HEALTH QUALITY MEASURES.

''(a) DEVELOPMENT OF AN INITIAL CORE SET OF HEALTH CARE QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

''(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall identify and publish for general comment an initial, recommended core set of child health quality measures for use by State programs administered under titles XIX and XXI, health insurance issuers and managed care entities that enter into contracts with such programs, and providers of items and services under such programs.

''(2) IDENTIFICATION OF INITIAL CORE MEASURES.—In consultation with the individuals and entities described in subsection (b)(3), the Secretary shall identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time.

''(3) RECOMMENDATIONS AND DISSEMINATION.—Based on such existing and identified measures, the Secretary shall publish an initial core set of child health quality measures that includes (but is not limited to) the following:

''(A) The duration of children's health insurance coverage over a 12-month time period.

''(B) The availability and effectiveness of a full range of—

''(i) preventive services, treatments, and services for acute conditions, including services to promote healthy birth, prevent and treat premature birth, and detect the presence or risk of physical or mental conditions that could adversely affect growth and development; and

''(ii) treatments to correct or ameliorate the effects of physical and mental conditions, including chronic conditions, in infants, young children, school-age children, and adolescents.

''(C) The availability of care in a range of ambulatory and inpatient health care settings in which such care is furnished.

''(D) The types of measures that, taken together, can be used to estimate the overall national quality of health care for children, including children with special needs, and to perform comparative analyses of pediatric health care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

''(4) ENCOURAGE VOLUNTARY AND STANDARDIZED REPORTING.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with States, shall develop a standardized format for reporting information and procedures and approaches that encourage States to use the initial core measurement set to voluntarily report information regarding the quality of pediatric health care under titles XIX and XXI.

''(5) ADOPTION OF BEST PRACTICES IN IMPLEMENTING QUALITY PROGRAMS.—The Secretary shall disseminate information to States regarding best practices among States with respect to measuring and reporting on the quality of health care for children, and shall facilitate the adoption of such best practices. In developing best practices approaches, the Secretary shall give particular attention to State measurement techniques that ensure the timeliness and accuracy of provider reporting, encourage provider reporting compliance, encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

''(6) REPORTS TO CONGRESS.—Not later than January 1, 2010, and every 3 years thereafter, the Secretary shall report to Congress on—

''(A) the status of the Secretary's efforts to improve—

''(i) quality related to the duration and stability of health insurance coverage for children under titles XIX and XXI;

''(ii) the quality of children's health care under such titles, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions and to aid in growth and development of infants, young children, school-age children, and adolescents with special health care needs; and

''(iii) the quality of children's health care under such titles across the domains of quality, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care;

''(B) the status of voluntary reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set; and

''(C) any recommendations for legislative changes needed to improve the quality of care provided to children under titles XIX and XXI, including recommendations for quality reporting by States.

''(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to assist them in adopting and utilizing core child health quality measures in administering the State plans under titles XIX and XXI.

''(8) DEFINITION OF CORE SET.—In this section, the term 'core set' means a group of

valid, reliable, and evidence-based quality measures that, taken together—

''(A) provide information regarding the quality of health coverage and health care for children;

''(B) address the needs of children throughout the developmental age span; and

''(C) allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services whose purpose is to correct or ameliorate physical, mental, or developmental conditions that could, if untreated or poorly treated, become chronic.

''(b) ADVANCING AND IMPROVING PEDIATRIC QUALITY MEASURES.—

''(1) ESTABLISHMENT OF PEDIATRIC QUALITY MEASURES PROGRAM.—Not later than January 1, 2010, the Secretary shall establish a pediatric quality measures program to—

''(A) improve and strengthen the initial core child health care quality measures established by the Secretary under subsection (a);

''(B) expand on existing pediatric quality measures used by public and private health care purchasers and advance the development of such new and emerging quality measures; and

''(C) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchasers of children's health care services, providers, and consumers.

''(2) EVIDENCE-BASED MEASURES.—The measures developed under the pediatric quality measures program shall, at a minimum, be—

''(A) evidence-based and, where appropriate, risk adjusted;

''(B) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care;

''(C) designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison of quality and data at a State, plan, and provider level;

''(D) periodically updated; and

''(E) responsive to the child health needs, services, and domains of health care quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A).

''(3) PROCESS FOR PEDIATRIC QUALITY MEASURES PROGRAM.—In identifying gaps in existing pediatric quality measures and establishing priorities for development and advancement of such measures, the Secretary shall consult with—

''(A) States;

''(B) pediatricians, children's hospitals, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

''(C) dental professionals, including pediatric dental professionals;

''(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

''(E) national organizations representing children, including children with disabilities and children with chronic conditions;

''(F) national organizations representing consumers and purchasers of children's health care;

''(G) national organizations and individuals with expertise in pediatric health quality measurement; and

''(H) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

''(4) DEVELOPING, VALIDATING, AND TESTING A PORTFOLIO OF PEDIATRIC QUALITY MEASURES.—As part of the program to advance pediatric quality measures, the Secretary shall—

''(A) award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A); and

''(B) award grants and contracts for—

''(i) the development of consensus on evidence-based measures for children's health care services;

''(ii) the dissemination of such measures to public and private purchasers of health care for children; and

''(iii) the updating of such measures as necessary.

''(5) REVISING, STRENGTHENING, AND IMPROVING INITIAL CORE MEASURES.—Beginning no later than January 1, 2012, and annually thereafter, the Secretary shall publish recommended changes to the core measures described in subsection (a) that shall reflect the testing, validation, and consensus process for the development of pediatric quality measures described in subsection paragraphs (1) through (4).

''(6) DEFINITION OF PEDIATRIC QUALITY MEASURE.—In this subsection, the term 'pediatric quality measure' means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant information, that is developed in order to assess 1 or more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

''(7) CONSTRUCTION.—Nothing in this section shall be construed as supporting the restriction of coverage, under title XIX or XXI or otherwise, to only those services that are evidence-based.

''(c) ANNUAL STATE REPORTS REGARDING STATE-SPECIFIC QUALITY OF CARE MEASURES APPLIED UNDER MEDICAID OR CHIP.—

''(1) ANNUAL STATE REPORTS.—Each State with a State plan approved under title XIX or a State child health plan approved under title XXI shall annually report to the Secretary on the—

''(A) State-specific child health quality measures applied by the States under such plans, including measures described in subparagraphs (A) and (B) of subsection (a)(6); and

''(B) State-specific information on the quality of health care furnished to children under such plans, including information collected through external quality reviews of managed care organizations under section 1932 of the Social Security Act (42 U.S.C. 1396u–4) and benchmark plans under sections 1937 and 2103 of such Act (42 U.S.C. 1396u–7, 1397cc).

''(2) PUBLICATION.—Not later than September 30, 2009, and annually thereafter, the Secretary shall collect, analyze, and make publicly available the information reported by States under paragraph (1).

''(d) DEMONSTRATION PROJECTS FOR IMPROVING THE QUALITY OF CHILDREN'S HEALTH CARE AND THE USE OF HEALTH INFORMATION TECHNOLOGY.—

''(1) IN GENERAL.—During the period of fiscal years 2008 through 2012, the Secretary shall award not more than 10 grants to States and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care provided under title XIX or XXI, including projects to—

''(A) experiment with, and evaluate the use of, new measures of the quality of children's health care under such titles (including testing the validity and suitability for reporting of such measures);

''(B) promote the use of health information technology in care delivery for children under such titles;

''(C) evaluate provider-based models which improve the delivery of children's health care services under such titles, including care management for children with chronic conditions and the use of evidence-based approaches to improve the effectiveness, safety, and efficiency of health care services for children; or

''(D) demonstrate the impact of the model electronic health record format for children developed and disseminated under subsection (f) on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

''(2) REQUIREMENTS.—In awarding grants under this subsection, the Secretary shall ensure that—

''(A) only 1 demonstration project funded under a grant awarded under this subsection shall be conducted in a State; and

''(B) demonstration projects funded under grants awarded under this subsection shall be conducted evenly between States with large urban areas and States with large rural areas.

''(3) AUTHORITY FOR MULTISTATE PROJECTS.—A demonstration project conducted with a grant awarded under this subsection may be conducted on a multistate basis, as needed.

''(4) FUNDING.—$20,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

''(e) CHILDHOOD OBESITY DEMONSTRATION PROJECT.—

''(1) AUTHORITY TO CONDUCT DEMONSTRATION.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

''(A) identify, through self-assessment, behavioral risk factors for obesity among children;

''(B) identify, through self-assessment, needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;

''(C) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

''(D) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under title XIX or child health assistance is available under title XXI among such target individuals.

''(2) ELIGIBILITY ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

''(A) A city, county, or Indian tribe.

''(B) A local or tribal educational agency.

''(C) An accredited university, college, or community college.

''(D) A Federally-qualified health center.

''(E) A local health department.

''(F) A health care provider.

''(G) A community-based organization.

''(H) Any other entity determined appropriate by the Secretary, including a consortia or partnership of entities described in any of subparagraphs (A) through (G).

''(3) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the funds made available under the grant to—

''(A) carry out community-based activities related to reducing childhood obesity, including by—

''(i) forming partnerships with entities, including schools and other facilities providing recreational services, to establish programs for after school and weekend community activities that are designed to reduce childhood obesity;

''(ii) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

''(iii) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

''(B) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, including by—

''(i) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

''(I) after hours physical activity programs; and

''(II) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problemsolving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

''(ii) providing education and training to educational professionals regarding how to promote a healthy lifestyle and a healthy school environment for children;

''(iii) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

''(iv) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity for children;

''(C) carry out educational, counseling, promotional, and training activities through the local health care delivery systems including by—

''(i) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

''(ii) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;

''(iii) training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling; and

''(iv) providing community education by a health professional on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; and

''(D) provide, through qualified health professionals, training and supervision for community health workers to—

''(i) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

''(ii) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity; and

''(iii) educate and guide parents regarding the ability to model and communicate positive health behaviors.

''(4) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to awarding grants to eligible entities—

''(A) that demonstrate that they have previously applied successfully for funds to carry out activities that seek to promote individual and community health and to prevent the incidence of chronic disease and that can cite published and peer-reviewed research demonstrating that the activities that the entities propose to carry out with funds made available under the grant are effective;

''(B) that will carry out programs or activities that seek to accomplish a goal or goals set by the State in the Healthy People 2010 plan of the State;

''(C) that provide non-Federal contributions, either in cash or in-kind, to the costs of funding activities under the grants;

''(D) that develop comprehensive plans that include a strategy for extending program activities developed under grants in the years following the fiscal years for which they receive grants under this subsection;

''(E) located in communities that are medically underserved, as determined by the Secretary;

''(F) located in areas in which the average poverty rate is at least 150 percent or higher of the average poverty rate in the State involved, as determined by the Secretary; and

''(G) that submit plans that exhibit multisectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—

''(i) community-based organizations;

''(ii) local governments;

''(iii) local educational agencies;

''(iv) the private sector;

''(v) State or local departments of health;

''(vi) accredited colleges, universities, and community colleges;

''(vii) health care providers;

''(viii) State and local departments of transportation and city planning; and

''(ix) other entities determined appropriate by the Secretary.

''(5) PROGRAM DESIGN.—

''(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, the heads of other agencies in the Department of Health and Human Services, and such professional organizations, as the Secretary determines to be appropriate, on the design, conduct, and evaluation of the demonstration.

''(B) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary shall award 1 grant that is specifically designed to determine whether programs similar to programs to be conducted by other grantees under this subsection should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI in order to reduce the incidence of childhood obesity among such population.

''(6) REPORT TO CONGRESS.—Not later than 3 years after the date the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any such other information as the Secretary determines to be appropriate.

''(7) DEFINITIONS.—In this subsection:

''(A) FEDERALLY-QUALIFIED HEALTH CENTER.—The term 'Federally-qualified health center' has the meaning given that term in section 1905(l)(2)(B).

''(B) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

''(C) SELF-ASSESSMENT.—The term 'self-assessment' means a form that—

''(i) includes questions regarding—

''(I) behavioral risk factors;

''(II) needed preventive and screening services; and

''(III) target individuals' preferences for receiving follow-up information;

''(ii) is assessed using such computer generated assessment programs; and

''(iii) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate.

''(D) ONGOING SUPPORT.—The term 'ongoing support' means—

''(i) to provide any target individual with information, feedback, health coaching, and recommendations regarding—

''(I) the results of a self-assessment given to the individual;

''(II) behavior modification based on the self-assessment; and

''(III) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

''(ii) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and

''(iii) to provide the information described in clause (i) to a health care provider, if designated by the target individual to receive such information.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $25,000,000 for the period of fiscal years 2008 through 2012.

''(f) DEVELOPMENT OF MODEL ELECTRONIC HEALTH RECORD FORMAT FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

''(1) IN GENERAL.—Not later than January 1, 2009, the Secretary shall establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled in the State plan under title XIX or the State child health plan under title XXI that is—

''(A) subject to State laws, accessible to parents, caregivers, and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, such as appropriate immunizations or physicals;

''(B) designed to allow interoperable exchanges that conform with Federal and State privacy and security requirements;

''(C) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality; and

''(D) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records.

''(2) FUNDING.—$5,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

''(g) STUDY OF PEDIATRIC HEALTH AND HEALTH CARE QUALITY MEASURES.—

''(1) IN GENERAL.—Not later than July 1, 2009, the Institute of Medicine shall study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to preventive care, treatments for acute conditions, and treatments aimed at ameliorating or correcting physical, mental, and developmental conditions in children. In conducting such study and preparing such report, the Institute of Medicine shall—

''(A) consider all of the major national population-based reporting systems sponsored by the Federal Government that are currently in place, including reporting requirements under Federal grant programs and national population surveys and estimates conducted directly by the Federal Government;

''(B) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information so generated is made widely available through publication;

''(C) identify gaps in knowledge related to children's health status, health disparities among subgroups of children, the effects of social conditions on children's health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children's school readiness and educational achievement and attainment; and

''(D) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care quality.

''(2) FUNDING.—Up to $1,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

''(h) RULE OF CONSTRUCTION.—Notwithstanding any other provision in this section, no evidence based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving medical assistance under title XIX or child health assistance under title XXI .

''(i) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2008 through 2012, $45,000,000 for the purpose of carrying out this section (other than subsection (e)). Funds appropriated under this subsection shall remain available until expended.''.

(b) INCREASED MATCHING RATE FOR COLLECTING AND REPORTING ON CHILD HEALTH MEASURES.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)), is amended—

(1) by striking ''and'' at the end of clause (i); and

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

''(iii) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such developments or modifications of systems of the type described in clause (i) as are necessary for the efficient collection and reporting on child health measures; and''.

SEC. 402. IMPROVED AVAILABILITY OF PUBLIC INFORMATION REGARDING ENROLLMENT OF CHILDREN IN CHIP AND MEDICAID.

(a) INCLUSION OF PROCESS AND ACCESS MEASURES IN ANNUAL STATE REPORTS.—Section 2108 (42 U.S.C. 1397hh) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''The State'' and inserting ''Subject to subsection (e), the State''; and

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

''(e) INFORMATION REQUIRED FOR INCLUSION IN STATE ANNUAL REPORT.—The State shall include the following information in the annual report required under subsection (a):

''(1) Eligibility criteria, enrollment, and retention data (including data with respect to continuity of coverage or duration of benefits).

''(2) Data regarding the extent to which the State uses process measures with respect to determining the eligibility of children under the State child health plan, including measures such as 12-month continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility.

''(3) Data regarding denials of eligibility and redeterminations of eligibility.

''(4) Data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the State child health plan, using quality care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey.

''(5) If the State provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for child health assistance under the State child health plan, the range of the monthly amount of such assistance provided on behalf of a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the State child health plan to supplement the coverage purchased with such premium assistance, the effective strategies the State engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage provided under the State child health plan from substituting for coverage provided under employer-sponsored health insurance offered in the State.

''(6) To the extent applicable, a description of any State activities that are designed to reduce the number of uncovered children in the State, including through a State health insurance connector program or support for innovative private health coverage initiatives.''.

(b) STANDARDIZED REPORTING FORMAT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall specify a standardized format for States to use for reporting the information required under section 2108(e) of the Social Security Act, as added by subsection (a)(2).

(2) TRANSITION PERIOD FOR STATES.—Each State that is required to submit a report under subsection (a) of section 2108 of the Social Security Act that includes the information required under subsection (e) of such section may use up to 3 reporting periods to transition to the reporting of such information in accordance with the standardized format specified by the Secretary under paragraph (1).

(c) ADDITIONAL FUNDING FOR THE SECRETARY TO IMPROVE TIMELINESS OF DATA REPORTING AND ANALYSIS FOR PURPOSES OF DETERMINING ENROLLMENT INCREASES UNDER MEDICAID AND CHIP.—

(1) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000 to the Secretary for fiscal year 2008 for the purpose of improving the timeliness of the data reported and analyzed from the Medicaid Statistical Information System (MSIS) for purposes of providing more timely data on enrollment and eligibility of children under Medicaid and CHIP and to provide guidance to States with respect to any new reporting requirements related to such improvements. Amounts appropriated under this paragraph shall remain available until expended.

(2) REQUIREMENTS.—The improvements made by the Secretary under paragraph (1) shall be designed and implemented (including with respect to any necessary guidance for States to report such information in a complete and expeditious manner) so that, beginning no later than October 1, 2008, data regarding the enrollment of low-income children (as defined in section 2110(c)(4) of the Social Security Act (42 U.S.C. 1397jj(c)(4)) of a State enrolled in the State plan under Medicaid or the State child health plan under CHIP with respect to a fiscal year shall be collected and analyzed by the Secretary within 6 months of submission.

(d) GAO STUDY AND REPORT ON ACCESS TO PRIMARY AND SPECIALITY SERVICES.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of children's access to primary and specialty services under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of primary and specialty services under such programs;

(D) the extent to which care coordination is provided for children's care under Medicaid and CHIP; and

(E) as appropriate, information on the degree of availability of services for children under such programs.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to children's care under Medicaid and CHIP that may exist.

SEC. 403. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.

(a) IN GENERAL.—Section 2103(f) of Social Security Act (42 U.S.C. 1397bb(f)) is amended by adding at the end the following new paragraph:

''(3) COMPLIANCE WITH MANAGED CARE REQUIREMENTS.—The State child health plan shall provide for the application of subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relating to requirements for managed care) to coverage, State agencies, enrollment brokers, managed care entities, and managed care organizations under this title in the same manner as such subsections apply to coverage and such entities and organizations under title XIX.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years for health plans beginning on or after July 1, 2008.

TITLE V—IMPROVING ACCESS TO BENEFITS

SEC. 501. DENTAL BENEFITS.

(a) COVERAGE.—

(1) IN GENERAL.—Section 2103 (42 U.S.C. 1397cc) is amended—

(A) in subsection (a)—

(i) in the matter before paragraph (1), by striking ''subsection (c)(5)'' and inserting ''paragraphs (5) and (7) of subsection (c)''; and

(ii) in paragraph (1), by inserting ''at least'' after ''that is''; and

(B) in subsection (c)—

(i) by redesignating paragraph (5) as paragraph (7); and

(ii) by inserting after paragraph (4), the following:

''(5) DENTAL BENEFITS.—

''(A) IN GENERAL.—The child health assistance provided to a targeted low-income child shall include coverage of dental services necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions.

''(B) PERMITTING USE OF DENTAL BENCHMARK PLANS BY CERTAIN STATES.—A State may elect to meet the requirement of subparagraph (A) through dental coverage that is equivalent to a benchmark dental benefit package described in subparagraph (C).

''(C) BENCHMARK DENTAL BENEFIT PACKAGES.—The benchmark dental benefit packages are as follows:

''(i) FEHBP CHILDREN'S DENTAL COVERAGE.—A dental benefits plan under chapter 89A of title 5, United States Code, that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

''(ii) STATE EMPLOYEE DEPENDENT DENTAL COVERAGE.—A dental benefits plan that is offered and generally available to State employees in the State involved and that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

''(iii) COVERAGE OFFERED THROUGH COMMERCIAL DENTAL PLAN.—A dental benefits plan that has the largest insured commercial, non-medicaid enrollment of dependent covered lives of such plans that is offered in the State involved.''.

(2) ASSURING ACCESS TO CARE.—Section 2102(a)(7)(B) (42 U.S.C. 1397bb(c)(2)) is amended by inserting ''and services described in section 2103(c)(5)'' after ''emergency services''.

(3) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to coverage of items and services furnished on or after October 1, 2008.

(b) DENTAL EDUCATION FOR PARENTS OF NEWBORNS.—The Secretary shall develop and implement, through entities that fund or provide perinatal care services to targeted low-income children under a State child health plan under title XXI of the Social Security Act, a program to deliver oral health educational materials that inform new parents about risks for, and prevention of, early childhood caries and the need for a dental visit within their newborn's first year of life.

(c) PROVISION OF DENTAL SERVICES THROUGH FQHCS.—

(1) MEDICAID.—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(A) by striking ''and'' at the end of paragraph (69);

(B) by striking the period at the end of paragraph (70) and inserting ''; and''; and

(C) by inserting after paragraph (70) the following new paragraph:

''(71) provide that the State will not prevent a Federally-qualified health center from entering into contractual relationships with private practice dental providers in the provision of Federally-qualified health center services.''.

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397g(e)(1)), as amended by subsections (a)(2) and (d)(2) of section 203, is amended by inserting after subparagraph (B) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

''(C) Section 1902(a)(71) (relating to limiting FQHC contracting for provision of dental services).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(d) REPORTING INFORMATION ON DENTAL HEALTH.—

(1) MEDICAID.—Section 1902(a)(43)(D)(iii) (42 U.S.C. 1396a(a)(43)(D)(iii)) is amended by inserting ''and other information relating to the provision of dental services to such children described in section 2108(e)'' after ''receiving dental services,''.

(2) CHIP.—Section 2108 (42 U.S.C. 1397hh) is amended by adding at the end the following new subsection:

''(e) INFORMATION ON DENTAL CARE FOR CHILDREN.—

''(1) IN GENERAL.—Each annual report under subsection (a) shall include the following information with respect to care and services described in section 1905(r)(3) provided to targeted low-income children enrolled in the State child health plan under this title at any time during the year involved:

''(A) The number of enrolled children by age grouping used for reporting purposes under section 1902(a)(43).

''(B) For children within each such age grouping, information of the type contained in questions 12(a)–(c) of CMS Form 416 (that consists of the number of enrolled targeted low income children who receive any, preventive, or restorative dental care under the State plan).

''(C) For the age grouping that includes children 8 years of age, the number of such children who have received a protective sealant on at least one permanent molar tooth.

''(2) INCLUSION OF INFORMATION ON ENROLLEES IN MANAGED CARE PLANS.—The information under paragraph (1) shall include information on children who are enrolled in managed care plans and other private health plans and contracts with such plans under this title shall provide for the reporting of such information by such plans to the State.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective for annual reports submitted for years beginning after date of enactment.

(e) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers (including providers that are, or are affiliated with, a school of dentistry) to include, not later than 6 months after the date of the enactment of this Act, on the Insure Kids Now website (http://www.insurekidsnow.gov/) and hotline (1–877–KIDS–NOW) (or on any successor websites or hotlines) a current and accurate list of all such dentists and providers within each State that provide dental services to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include, not later than 6 months after the date of the enactment of this Act, a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website, and shall ensure that such list is updated at least annually.

(f) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN'S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a), as added by section 401(a), is amended—

(1) in paragraph (3)(B)(ii), by inserting ''and, with respect to dental care, conditions requiring the restoration of teeth, relief of pain and infection, and maintenance of dental health'' after ''chronic conditions''; and

(2) in paragraph (6)(A)(ii), by inserting ''dental care,'' after ''preventive health services,''.

(g) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall provide for a study that examines—

(A) access to dental services by children in underserved areas;

(B) children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(i) the extent to which dental providers are willing to treat children eligible for such programs;

(ii) information on such children's access to networks of care, including such networks that serve special needs children; and

(iii) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(C) the feasibility and appropriateness of using qualified mid-level dental health providers, in coordination with dentists, to improve access for children to oral health services and public health overall.

(2) REPORT.—Not later than 18 months year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

SEC. 502. MENTAL HEALTH PARITY IN CHIP PLANS.

(a) ASSURANCE OF PARITY.—Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by inserting after paragraph (5), the following:

''(6) MENTAL HEALTH SERVICES PARITY.—

''(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance abuse benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance abuse benefits are no more restrictive than the financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

''(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).''.

(b) CONFORMING AMENDMENTS.—Section 2103 (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), as amended by section 501(a)(1)(A)(i), in the matter preceding paragraph (1), by inserting ''(6),'' after ''(5)''; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

SEC. 503. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) APPLICATION OF PROSPECTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 501(c)(2) is amended by inserting after subparagraph (C) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

''(D) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services provided on or after October 1, 2008.

(b) TRANSITION GRANTS.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for fiscal year 2008, $5,000,000, to remain available until expended, for the purpose of awarding grants to States with State child health plans under CHIP that are operated separately from the State Medicaid plan under title XIX of the Social Security Act (including any waiver of such plan), or in combination with the State Medicaid plan, for expenditures related to transitioning to compliance with the requirement of section 2107(e)(1)(D) of the Social Security Act (as added by subsection (a)) to apply the prospective payment system established under section 1902(bb) of the such Act (42 U.S.C. 1396a(bb)) to services provided by Federally-qualified health centers and rural health clinics.

(2) MONITORING AND REPORT.—The Secretary shall monitor the impact of the application of such prospective payment system on the States described in paragraph (1) and, not later than October 1, 2010, shall report to Congress on any effect on access to benefits, provider payment rates, or scope of benefits offered by such States as a result of the application of such payment system.

SEC. 504. PREMIUM GRACE PERIOD.

(a) IN GENERAL.—Section 2103(e)(3) (42 U.S.C. 1397cc(e)(3)) is amended by adding at the end the following new subparagraph:

''(C) PREMIUM GRACE PERIOD.—The State child health plan—

''(i) shall afford individuals enrolled under the plan a grace period of at least 30 days from the beginning of a new coverage period to make premium payments before the individual's coverage under the plan may be terminated; and

''(ii) shall provide to such an individual, not later than 7 days after the first day of such grace period, notice—

''(I) that failure to make a premium payment within the grace period will result in termination of coverage under the State child health plan; and

''(II) of the individual's right to challenge the proposed termination pursuant to the applicable Federal regulations.

For purposes of clause (i), the term 'new coverage period' means the month immediately following the last month for which the premium has been paid.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to new coverage periods beginning on or after January 1, 2009.

SEC. 505. DEMONSTRATION PROJECTS RELATING TO DIABETES PREVENTION.

There is authorized to be appropriated $15,000,000 during the period of fiscal years 2008 through 2012 to fund demonstration projects in up to 10 States over 3 years for voluntary incentive programs to promote children's receipt of relevant screenings and improvements in healthy eating and physical activity with the aim of reducing the incidence of type 2 diabetes. Such programs may involve reductions in cost-sharing or premiums when children receive regular screening and reach certain benchmarks in healthy eating and physical activity. Under such programs, a State may also provide financial bonuses for partnerships with entities, such as schools, which increase their education and efforts with respect to reducing the incidence of type 2 diabetes and may also devise incentives for providers serving children covered under this title and title XIX to perform relevant screening and counseling regarding healthy eating and physical activity. Upon completion of these demonstrations, the Secretary shall provide a report to Congress on the results of the State demonstration projects and the degree to which they helped improve health outcomes related to type 2 diabetes in children in those States.

SEC. 506. CLARIFICATION OF COVERAGE OF SERVICES PROVIDED THROUGH SCHOOL-BASED HEALTH CENTERS.

Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by adding at the end the following new paragraph:

''(8) AVAILABILITY OF COVERAGE FOR ITEMS AND SERVICES FURNISHED THROUGH SCHOOL-BASED HEALTH CENTERS.—Nothing in this title shall be construed as limiting a State's ability to provide child health assistance for covered items and services that are furnished through school-based health centers.''.

TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

Subtitle A—Program Integrity and Data Collection

SEC. 601. PAYMENT ERROR RATE MEASUREMENT ("PERM").

(a) EXPENDITURES RELATED TO COMPLIANCE WITH REQUIREMENTS.—

(1) ENHANCED PAYMENTS.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(a), is amended by adding at the end the following new paragraph:

''(12) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations) shall in no event be less than 90 percent.''.

(2) EXCLUSION OF FROM CAP ON ADMINISTRATIVE EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)C)), as amended by section 302(b)), is amended by adding at the end the following:

''(iv) PAYMENT ERROR RATE MEASUREMENT (PERM) EXPENDITURES.—Expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations).''.

(b) FINAL RULE REQUIRED TO BE IN EFFECT FOR ALL STATES.—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act), the Secretary shall not calculate or publish any national or State-specific error rate based on the application of the payment error rate measurement (in this section referred to as ''PERM'') requirements to CHIP until after the date that is 6 months after the date on which a final rule implementing such requirements in accordance with the requirements of subsection (c) is in effect for all States. Any calculation of a national error rate or a State specific error rate after such final rule in effect for all States may only be inclusive of errors, as defined in such final rule or in guidance issued within a reasonable time frame after the effective date for such final rule that includes detailed guidance for the specific methodology for error determinations.

(c) REQUIREMENTS FOR FINAL RULE.—For purposes of subsection (b), the requirements of this subsection are that the final rule implementing the PERM requirements shall—

(1) include—

(A) clearly defined criteria for errors for both States and providers;

(B) a clearly defined process for appealing error determinations by—

(i) review contractors; or

(ii) the agency and personnel described in section 431.974(a)(2) of title 42, Code of Federal Regulations, as in effect on September 1, 2007, responsible for the development, direction, implementation, and evaluation of eligibility reviews and associated activities; and

(C) clearly defined responsibilities and deadlines for States in implementing any corrective action plans; and

(2) provide that the payment error rate determined for a State shall not take into account payment errors resulting from the State's verification of an applicant's self-declaration or self-certification of eligibility for, and the correct amount of, medical assistance or child health assistance, if the State process for verifying an applicant's self-declaration or self-certification satisfies the requirements for such process applicable under regulations promulgated by the Secretary or otherwise approved by the Secretary.

(d) OPTION FOR APPLICATION OF DATA FOR STATES IN FIRST APPLICATION CYCLE UNDER THE INTERIM FINAL RULE.—After the final rule implementing the PERM requirements in accordance with the requirements of subsection (c) is in effect for all States, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2007 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2010 were the first fiscal year for which the PERM requirements apply to the State.

(e) HARMONIZATION OF MEQC AND PERM.—

(1) REDUCTION OF REDUNDANCIES.—The Secretary shall review the Medicaid Eligibility Quality Control (in this subsection referred to as the ''MEQC'') requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies.

(2) STATE OPTION TO APPLY PERM DATA.—A State may elect, for purposes of determining the erroneous excess payments for medical assistance ratio applicable to the State for a fiscal year under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) to substitute data resulting from the application of the PERM requirements to the State after the final rule implementing such requirements is in effect for all States for data obtained from the application of the MEQC requirements to the State with respect to a fiscal year.

(3) STATE OPTION TO APPLY MEQC DATA.—For purposes of satisfying the requirements of subpart Q of part 431 of title 42, Code of Federal Regulations, as in effect on September 1, 2007, relating to Medicaid eligibility reviews, a State may elect to substitute data obtained through MEQC reviews conducted in accordance with section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) for data required for purposes of PERM requirements, but only if the State MEQC reviews are based on a broad, representative sample of Medicaid applicants or enrollees in the States.

(f) IDENTIFICATION OF IMPROVED STATE-SPECIFIC SAMPLE SIZES.—The Secretary shall establish State-specific sample sizes for application of the PERM requirements with respect to State child health plans for fiscal years beginning with fiscal year 2009, on the basis of such information as the Secretary determines appropriate. In establishing such sample sizes, the Secretary shall, to the greatest extent practicable—

(1) minimize the administrative cost burden on States under Medicaid and CHIP; and

(2) maintain State flexibility to manage such programs.

SEC. 602. IMPROVING DATA COLLECTION.

(a) INCREASED APPROPRIATION.—Section 2109(b)(2) (42 U.S.C. 1397ii(b)(2)) is amended by striking ''$10,000,000 for fiscal year 2000'' and inserting ''$20,000,000 for fiscal year 2008''.

(b) USE OF ADDITIONAL FUNDS.—Section 2109(b) (42 U.S.C. 1397ii(b)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1), the following new paragraphs:

''(2) ADDITIONAL REQUIREMENTS.—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2008, in appropriate consultation with the Secretary of Health and Human Services, the Secretary of Commerce shall do the following:

''(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

''(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to determine the child population growth factor under section 2104(i)(5)(B) and any other data necessary for carrying out this title.

''(C) Include health insurance survey information in the American Community Survey related to children.

''(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey with respect to the purposes described in subparagraph (B).

''(E) On the basis of the assessment required under subparagraph (D), recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in subparagraph (B).

''(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

''(3) AUTHORITY FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TRANSITION TO THE USE OF ALL, OR SOME COMBINATION OF, ACS ESTIMATES UPON RECOMMENDATION OF THE SECRETARY OF COMMERCE.—If, on the basis of the assessment required under paragraph (2)(D), the Secretary of Commerce recommends to the Secretary of Health and Human Services that American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in paragraph (2)(B), the Secretary of Health and Human Services, in consultation with the States, may provide for a period during which the Secretary may transition from carrying out such purposes through the use of Current Population Survey estimates to the use of American Community Survey estimates (in lieu of, or in combination with the Current Population Survey estimates, as recommended), provided that any such transition is implemented in a manner that is designed to avoid adverse impacts upon States with approved State child health plans under this title.''.

SEC. 603. UPDATED FEDERAL EVALUATION OF CHIP.

Section 2108(c) (42 U.S.C. 1397hh(c)) is amended by striking paragraph (5) and inserting the following:

''(5) SUBSEQUENT EVALUATION USING UPDATED INFORMATION.—

''(A) IN GENERAL.—The Secretary, directly or through contracts or interagency agreements, shall conduct an independent subsequent evaluation of 10 States with approved child health plans.

''(B) SELECTION OF STATES AND MATTERS INCLUDED.—Paragraphs (2) and (3) shall apply to such subsequent evaluation in the same manner as such provisions apply to the evaluation conducted under paragraph (1).

''(C) SUBMISSION TO CONGRESS.—Not later than December 31, 2010, the Secretary shall submit to Congress the results of the evaluation conducted under this paragraph.

''(D) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $10,000,000 for fiscal year 2009 for the purpose of conducting the evaluation authorized under this paragraph. Amounts appropriated under this subparagraph shall remain available for expenditure through fiscal year 2011.''.

SEC. 604. ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.

Section 2108(d) (42 U.S.C. 1397hh(d)) is amended to read as follows:

''(d) ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.—For the purpose of evaluating and auditing the program established under this title, or title XIX, the Secretary, the Office of Inspector General, and the Comptroller General shall have access to any books, accounts, records, correspondence, and other documents that are related to the expenditure of Federal funds under this title and that are in the possession, custody, or control of States receiving Federal funds under this title or political subdivisions thereof, or any grantee or contractor of such States or political subdivisions.''.

SEC. 605. NO FEDERAL FUNDING FOR ILLEGAL ALIENS.

Nothing in this Act allows Federal payment for individuals who are not legal residents.

Subtitle B—Miscellaneous Health Provisions

SEC. 611. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS.

(a) CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES UNDER MEDICAID.—Section 1937(a)(1) (42 U.S.C. 1396u–7(a)(1)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005 (Public Law 109–171, 120 Stat. 88), is amended—

(1) in subparagraph (A)—

(A) in the matter before clause (i)—

(i) by striking ''Notwithstanding any other provision of this title'' and inserting ''Notwithstanding section 1902 (a) (1) (relating to statewideness), section 1902 (a)(10)(B)(relating to comparability) and any other provision of this title which would be directly contrary to the authority under this section and subject to subsection (E)''; and

(ii) by striking ''enrollment in coverage that provides'' and inserting ''coverage that'';

(B) in clause (i), by inserting ''provides'' after ''(i)''; and

(C) by striking clause (ii) and inserting the following:

''(ii) for any individual described in section 1905(a)(4)(B) who is eligible under the State plan in accordance with paragraphs (10) and (17) of section 1902(a), consists of the items and services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43).'';

(2) in subparagraph (C)—

(A) in the heading, by striking ''**WRAP-AROUND**'' and inserting ''ADDITIONAL''; and

(B) by striking ''wrap-around or''; and

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

''(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

''(i) requiring a State to offer all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2);

''(ii) preventing a State from offering all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); or

''(iii) affecting a child's entitlement to care and services described in subsections (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1902(a)(43) whether provided through benchmark coverage, benchmark equivalent coverage, or otherwise.''.

(b) CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.—Section 1937(a)(2)(B)(viii) (42 U.S.C. 1396u–7(a)(2)(B)(viii), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by striking ''aid or assistance is made available under part B of title IV to children in foster care and individuals'' and inserting ''child welfare services are made available under part B of title IV on the basis of being a child in foster care or''.

(c) TRANSPARENCY.—Section 1937 (42 U.S.C. 1396u–7), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by adding at the end the following:

''(c) PUBLICATION OF PROVISIONS AFFECTED.—With respect to a State plan amendment to provide benchmark benefits in accordance with subsections (a) and (b) that is approved by the Secretary, the Secretary shall publish on the Internet website of the Centers for Medicare & Medicaid Services, a list of the provisions of this title that the Secretary has determined do not apply in order to enable the State to carry out the plan amendment and the reason for each such determination on the date such approval is made, and shall publish such list in the Federal Register and not later than 30 days after such date of approval.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) of this section shall take effect as if included in the

amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

SEC. 612. REFERENCES TO TITLE XXI.

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106–113 (113 Stat. 1501A–402) is repealed.

SEC. 613. PROHIBITING INITIATION OF NEW HEALTH OPPORTUNITY ACCOUNT DEMONSTRATION PROGRAMS.

After the date of the enactment of this Act, the Secretary of Health and Human Services may not approve any new demonstration programs under section 1938 of the Social Security Act (42 U.S.C. 1396u–8).

SEC. 614. COUNTY MEDICAID HEALTH INSURING ORGANIZATIONS; GAO REPORT ON MEDICAID MANAGED CARE PAYMENT RATES.

(a) IN GENERAL.—Section 9517(c)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (42 U.S.C. 1396b note), as added by section 4734 of the Omnibus Budget Reconciliation Act of 1990 and as amended by section 704 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, is amended—

(1) in subparagraph (A), by inserting '', in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Ventura County, and in the case of any health insuring organization described in such subparagraph that is operated by a public entity established by Merced County'' after ''described in subparagraph (B)''; and

(2) in subparagraph (C), by striking ''14 percent'' and inserting ''16 percent''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(c) GAO REPORT ON ACTUARIAL SOUNDNESS OF MEDICAID MANAGED CARE PAYMENT RATES.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives analyzing the extent to which State payment rates for medicaid managed care organizations under title XIX of the Social Security Act are actuarially sound.

SEC. 615. ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRAORDINARY EMPLOYER PENSION CONTRIBUTION.

(a) IN GENERAL.—Only for purposes of computing the FMAP (as defined in subsection (e)) for a State for a fiscal year (beginning with fiscal year 2006) and applying the FMAP under title XIX of the Social Security Act, any significantly disproportionate employer pension or insurance fund contribution described in subsection (b) shall be disregarded in computing the per capita income of such State, but shall not be disregarded in computing the per capita income for the continental United States (and Alaska) and Hawaii.

(b) SIGNIFICANTLY DISPROPORTIONATE EMPLOYER PENSION AND INSURANCE FUND CONTRIBUTION.—

(1) IN GENERAL.—For purposes of this section, a significantly disproportionate employer pension and insurance fund contribution described in this subsection with respect to a State is any identifiable employer contribution towards pension or other employee insurance funds that is estimated to accrue to residents of such State for a calendar year (beginning with calendar year 2003) if the increase in the amount so estimated exceeds 25 percent of the total increase in personal income in that State for the year involved.

(2) DATA TO BE USED.—For estimating and adjustment a FMAP already calculated as of the date of the enactment of this Act for a State with a significantly disproportionate employer pension and insurance fund contribution, the Secretary shall use the personal income data set originally used in calculating such FMAP.

(3) SPECIAL ADJUSTMENT FOR NEGATIVE GROWTH.—If in any calendar year the total personal income growth in a State is negative, an employer pension and insurance fund contribution for the purposes of calculating the State's FMAP for a calendar year shall not exceed 125 percent of the amount of such contribution for the previous calendar year for the State.

(c) HOLD HARMLESS.—No State shall have its FMAP for a fiscal year reduced as a result of the application of this section.

(d) REPORT.—Not later than May 15, 2008, the Secretary shall submit to the Congress a report on the problems presented by the current treatment of pension and insurance fund contributions in the use of Bureau of Economic Affairs calculations for the FMAP and for Medicaid and on possible alternative methodologies to mitigate such problems.

(e) FMAP DEFINED.—For purposes of this section, the term ''FMAP'' means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396(d)).

SEC. 616. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to May 28, 2008, take any action (through promulgation of regulation, issuance of regulatory guidance, use of federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to restrict coverage or payment under title XIX of the Social Security Act for rehabilitation services, or school-based administration, transportation, or medical services if such restrictions are more restrictive in any aspect than those applied to such coverage or payment as of July 1, 2007.

SEC. 617. MEDICAID DSH ALLOTMENTS FOR TENNESSEE AND HAWAII.

(a) TENNESSEE.—The DSH allotments for Tennessee for each fiscal year beginning with fiscal year 2008 under subsection (f)(3) of section 1923 of the Social Security Act (42 U.S.C. 1396r–4) are deemed to be $30,000,000. The Secretary of Health and Human Services may impose a limitation on the total amount of payments made to hospitals under the TennCare Section 1115 waiver only to the extent that such limitation is necessary to ensure that a hospital does not receive payment in excess of the amounts described in subsection (f) of such section or as necessary to ensure that the waiver remains budget neutral.

(b) HAWAII.—Section 1923(f)(6) (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) in the paragraph heading, by striking ''FOR FISCAL YEAR 2007''; and

(2) in subparagraph (B)—

(A) in clause (i), by striking ''Only with respect to fiscal year 2007'' and inserting ''With respect to each of fiscal years 2007 and 2008'';

(B) by redesignating clause (ii) as clause (iv); and

(C) by inserting after clause (i), the following new clauses:

''(ii) TREATMENT AS A LOW-DSH STATE.—With respect to fiscal year 2009 and each fiscal year thereafter, notwithstanding the table set forth in paragraph (2), the DSH allotment for Hawaii shall be increased in the same manner as allotments for low DSH States are increased for such fiscal year under clauses (ii) and (iii) of paragraph (5)(B).

''(iii) CERTAIN HOSPITAL PAYMENTS.—The Secretary may not impose a limitation on the total amount of payments made to hospitals under the QUEST section 1115 Demonstration Project except to the extent that such limitation is necessary to ensure that a hospital does not receive payments in excess of the amounts described in subsection (g), or as necessary to ensure that such payments under the waiver and such payments pursuant to the allotment provided in this section do not, in the aggregate in any year, exceed the amount that the Secretary determines is equal to the Federal medical assistance percentage component attributable to disproportionate share hospital payment adjustments for such year that is reflected in the budget neutrality provision of the QUEST Demonstration Project.''.

SEC. 618. CLARIFICATION TREATMENT OF REGIONAL MEDICAL CENTER.

(a) IN GENERAL.—Nothing in section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall be construed by the Secretary of Health and Human Services as prohibiting a State's use of funds as the non-Federal share of expenditures under title XIX of such Act where such funds are transferred from or certified by a publicly-owned regional medical center located in another State and described in subsection (b), so long as the Secretary determines that such use of funds is proper and in the interest of the program under title XIX.

(b) CENTER DESCRIBED.—A center described in this subsection is a publicly-owned regional medical center that—

(1) provides level 1 trauma and burn care services;

(2) provides level 3 neonatal care services;

(3) is obligated to serve all patients, regardless of ability to pay;

(4) is located within a Standard Metropolitan Statistical Area (SMSA) that includes at least 3 States;

(5) provides services as a tertiary care provider for patients residing within a 125-mile radius; and

(6) meets the criteria for a disproportionate share hospital under section 1923 of such Act (42 U.S.C. 1396r–4) in at least one State other than the State in which the center is located.

SEC. 619. EXTENSION OF SSI WEB-BASED ASSET DEMONSTRATION PROJECT TO THE MEDICAID PROGRAM.

(a) IN GENERAL.—Beginning on October 1, 2012, the Secretary of Health and Human Services shall provide for the application to asset eligibility determinations under the Medicaid program under title XIX of the Social Security Act of the automated, secure, web-based asset verification request and response process being applied for determining eligibility for benefits under the Supplemental Security Income (SSI) program under title XVI of such Act under a demonstration project conducted under the authority of section 1631(e)(1)(B)(ii) of such Act (42 U.S.C. 1383(e)(1)(B)(ii)).

(b) LIMITATION.—Such application shall only extend to those States in which such demonstration project is operating and only for the period in which such project is otherwise provided.

(c) RULES OF APPLICATION.—For purposes of carrying out subsection (a), notwithstanding any other provision of law, information obtained from a financial institution that is used for purposes of eligibility determinations under such demonstration project with respect to the Secretary of Health and Human Services under the SSI program may also be shared and used by States for purposes of eligibility determinations under the Medicaid program. In applying section 1631(e)(1)(B)(ii) of the Social Security Act under this subsection, references to the Commissioner of Social Security and benefits

under title XVI of such Act shall be treated as including a reference to a State described in subsection (b) and medical assistance under title XIX of such Act provided by such a State.

Subtitle C—Other Provisions

SEC. 621. SUPPORT FOR INJURED SERVICEMEMBERS.

(a) SHORT TITLE.—This section may be cited as the ''Support for Injured Servicemembers Act''.

(b) SERVICEMEMBER FAMILY LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

''(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

''(15) COVERED SERVICEMEMBER.—The term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

''(16) MEDICAL HOLD OR MEDICAL HOLDOVER STATUS.—The term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces.

''(17) NEXT OF KIN.—The term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual.

''(18) SERIOUS INJURY OR ILLNESS.—The term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) COMBINED LEAVE TOTAL.—During the single 12-month period described in paragraph (3), an eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 103(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 103''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(i) in paragraph (1)—

(I) by inserting ''(or 26 workweeks in the case of leave provided under subsection (a)(3))'' after ''12 workweeks'' the first place it appears; and

(II) by inserting ''(or 26 workweeks, as appropriate)'' after ''12 workweeks'' the second place it appears; and

(ii) in paragraph (2)(B), by adding at the end the following: ''An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.''.

(C) NOTICE.—Section 102(e)(2) of such Act (29 U.S.C. 2612(e)(2)) is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) SPOUSES EMPLOYED BY SAME EMPLOYER.—Section 102(f) of such Act (29 U.S.C. 2612(f)) is amended—

(i) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), and aligning the margins of the subparagraphs with the margins of section 102(e)(2)(A);

(ii) by striking ''In any'' and inserting the following:

''(1) IN GENERAL.—In any''; and

(iii) by adding at the end the following:

''(2) SERVICEMEMBER FAMILY LEAVE.—

''(A) IN GENERAL.—The aggregate number of workweeks of leave to which both that husband and wife may be entitled under subsection (a) may be limited to 26 workweeks during the single 12-month period described in subsection (a)(3) if the leave is—

''(i) leave under subsection (a)(3); or

''(ii) a combination of leave under subsection (a)(3) and leave described in paragraph (1).

''(B) BOTH LIMITATIONS APPLICABLE.—If the leave taken by the husband and wife includes leave described in paragraph (1), the limitation in paragraph (1) shall apply to the leave described in paragraph (1).''.

(E) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

(F) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(i) in paragraph (2)(B)(i), by inserting ''or under section 102(a)(3)'' before the semicolon; and

(ii) in paragraph (3)(A)—

(I) in clause (i), by striking ''or'' at the end;

(II) in clause (ii), by striking the period and inserting ''; or''; and

(III) by adding at the end the following:

''(iii) a certification issued by the health care provider of the servicemember being cared for by the employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).''.

(G) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting ''(or 26 weeks, in a case involving leave under section 102(a)(3))'' after ''12 weeks''.

(H) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting ''or under section 102(a)(3)'' after ''section 102(a)(1)''.

(c) SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

''(8) the term 'covered servicemember' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, is otherwise in medical hold or medical holdover status, or is otherwise on the temporary disability retired list, for a serious injury or illness;

''(9) the term 'medical hold or medical holdover status' means—

''(A) the status of a member of the Armed Forces, including a member of the National Guard or a Reserve, assigned or attached to a military hospital for medical care; and

''(B) the status of a member of a reserve component of the Armed Forces who is separated, whether pre-deployment or post-deployment, from the member's unit while in need of health care based on a medical condition identified while the member is on active duty in the Armed Forces;

''(10) the term 'next of kin', used with respect to an individual, means the nearest blood relative of that individual; and

''(11) the term 'serious injury or illness', in the case of a member of the Armed Forces, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.''.

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

''(3) Subject to section 6383, an employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 administrative workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

''(4) During the single 12-month period described in paragraph (3), an employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (1) during any other 12-month period.''.

(3) REQUIREMENTS RELATING TO LEAVE.—

(A) SCHEDULE.—Section 6382(b) of such title is amended—

(i) in paragraph (1), in the second sentence—

(I) by striking ''section 6383(b)(5)'' and inserting ''subsection (b)(5) or (f) (as appropriate) of section 6383''; and

(II) by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''; and

(ii) in paragraph (2), by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(B) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: ''An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.''.

(C) NOTICE.—Section 6382(e) of such title is amended by inserting ''or under subsection (a)(3)'' after ''subsection (a)(1)''.

(D) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

SEC. 622. MILITARY FAMILY JOB PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Military Family Job Protection Act''.

(b) PROHIBITION ON DISCRIMINATION IN EMPLOYMENT AGAINST CERTAIN FAMILY MEMBERS CARING FOR RECOVERING MEMBERS OF THE ARMED FORCES.—A family member of a recovering servicemember described in subsection (c) shall not be denied retention in employment, promotion, or any benefit of employment by an employer on the basis of the family member's absence from employment as described in that subsection, for a period of not more than 52 workweeks.

(c) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering servicemember who is—

(1) on invitational orders while caring for the recovering servicemember;

(2) a non-medical attendee caring for the recovering servicemember; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering servicemember.

(d) TREATMENT OF ACTIONS.—An employer shall be considered to have engaged in an action prohibited by subsection (b) with respect to a person described in that subsection if the absence from employment of the person as described in that subsection is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of the absence of employment of the person.

(e) DEFINITIONS.—In this section:

(1) BENEFIT OF EMPLOYMENT.—The term ''benefit of employment'' has the meaning given such term in section 4303 of title 38, United States Code.

(2) CARING FOR.—The term ''caring for'', used with respect to a recovering servicemember, means providing personal, medical, or convalescent care to the recovering servicemember, under circumstances that substantially interfere with an employee's ability to work.

(3) EMPLOYER.—The term ''employer'' has the meaning given such term in section 4303 of title 38, United States Code, except that the term does not include any person who is not considered to be an employer under title I of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611 et seq.) because the person does not meet the requirements of section 101(4)(A)(i) of such Act (29 U.S.C. 2611(4)(A)(i)).

(4) FAMILY MEMBER.—The term ''family member'', with respect to a recovering servicemember, has the meaning given that term in section 411h(b) of title 37, United States Code.

(5) RECOVERING SERVICEMEMBER.—The term ''recovering servicemember'' means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or medical holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

SEC. 623. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.

(a) DEFINITIONS.—In this section—

(1) the terms ''Administration'' and ''Administrator'' means the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''certified development company'' means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term ''Medicaid program'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term ''State'' has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term ''State Children's Health Insurance Program'' means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term ''task force'' means the task force established under subsection (b)(1); and

(10) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children's Health Insurance Program.

(2) MEMBERSHIP.—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) RESPONSIBILITIES.—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) IMPLEMENTATION.—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women's business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human Services to work with district offices of the Administration.

(5) WEBSITE.—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children's Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) REPORT.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

SEC. 624. SENSE OF SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.

(a) FINDINGS.—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) SENSE OF THE SENATE.—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

TITLE VII—REVENUE PROVISIONS

SEC. 701. INCREASE IN EXCISE TAX RATE ON TOBACCO PRODUCTS.

(a) CIGARS.—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''$1.828 cents per thousand ($1.594 cents per thousand on cigars removed during 2000 or 2001)'' in paragraph (1) and inserting ''$50.00 per thousand'',

(2) by striking ''20.719 percent (18.063 percent on cigars removed during 2000 or 2001)'' in paragraph (2) and inserting ''52.988 percent'', and

(3) by striking ''$48.75 per thousand ($42.50 per thousand on cigars removed during 2000 or 2001)'' in paragraph (2) and inserting ''$3.00 per cigar''.

(b) CIGARETTES.—Section 5701(b) of such Code is amended—

(1) by striking ''$19.50 per thousand ($17 per thousand on cigarettes removed during 2000

or 2001)'' in paragraph (1) and inserting ''$50.00 per thousand'', and

(2) by striking ''$40.95 per thousand ($35.70 per thousand on cigarettes removed during 2000 or 2001)'' in paragraph (2) and inserting ''$105.00 per thousand''.

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking ''1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)'' and inserting ''3.13 cents''.

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking ''2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)'' and inserting ''6.26 cents''.

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking ''58.5 cents (51 cents on snuff removed during 2000 or 2001)'' in paragraph (1) and inserting ''$1.50'', and

(2) by striking ''19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)'' in paragraph (2) and inserting ''50 cents''.

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking ''$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)'' and inserting ''$2.8126 cents''.

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking ''$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)'' and inserting ''$8.8889 cents''.

(h) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products (other than cigars described in section 5701(a)(2) of the Internal Revenue Code of 1986) and cigarette papers and tubes manufactured in or imported into the United States which are removed before January 1, 2008, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of such Code on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to $500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on January 1, 2008, for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products, cigarette papers, or cigarette tubes on January 1, 2008, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before April 1, 2008.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on January 1, 2008, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(B) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

SEC. 702. ADMINISTRATIVE IMPROVEMENTS.

(a) PERMIT, REPORT, AND RECORD REQUIREMENTS FOR MANUFACTURERS AND IMPORTERS OF PROCESSED TOBACCO.—

(1) PERMITS.—

(A) APPLICATION.—Section 5712 of the Internal Revenue Code of 1986 is amended by inserting ''or processed tobacco'' after ''tobacco products''.

(B) ISSUANCE.—Section 5713(a) of such Code is amended by inserting ''or processed tobacco'' after ''tobacco products''.

(2) INVENTORIES AND REPORTS.—

(A) INVENTORIES.—Section 5721 of such Code is amended by inserting '', processed tobacco,'' after ''tobacco products''.

(B) REPORTS.—Section 5722 of such Code is amended by inserting '', processed tobacco,'' after ''tobacco products''.

(3) RECORDS.—Section 5741 of such Code is amended by inserting '', processed tobacco,'' after ''tobacco products''.

(4) MANUFACTURER OF PROCESSED TOBACCO.—Section 5702 of such Code is amended by adding at the end the following new subsection:

''(p) MANUFACTURER OF PROCESSED TOBACCO.—

''(1) IN GENERAL.—The term 'manufacturer of processed tobacco' means any person who processes any tobacco other than tobacco products.

''(2) PROCESSED TOBACCO.—The processing of tobacco shall not include the farming or growing of tobacco or the handling of tobacco solely for sale, shipment, or delivery to a manufacturer of tobacco products or processed tobacco.''.

(5) CONFORMING AMENDMENT.—Section 5702(k) of such Code is amended by inserting '', or any processed tobacco,'' after ''nontax-paid tobacco products or cigarette papers or tubes''.

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2008.

(b) BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF PERMITS.—

(1) DENIAL.—Paragraph (3) of section 5712 of such Code is amended to read as follows:

''(3) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner)—

''(A) is, by reason of his business experience, financial standing, or trade connections or by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter,

''(B) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes, or

''(C) has failed to disclose any material information required or made any material false statement in the application therefor.''.

(2) SUSPENSION OR REVOCATION.—Subsection (b) of section 5713 of such Code is amended to read as follows:

''(b) SUSPENSION OR REVOCATION.—

''(1) SHOW CAUSE HEARING.—If the Secretary has reason to believe that any person holding a permit—

''(A) has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud,

''(B) has violated the conditions of such permit,

''(C) has failed to disclose any material information required or made any material false statement in the application for such permit,

''(D) has failed to maintain his premises in such manner as to protect the revenue,

''(E) is, by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter, or

''(F) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, cigarette paper, or cigarette tubes,

the Secretary shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked.

''(2) ACTION FOLLOWING HEARING.—If, after hearing, the Secretary finds that such person has not shown cause why his permit should not be suspended or revoked, such permit shall be suspended for such period as the Secretary deems proper or shall be revoked.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) APPLICATION OF INTERNAL REVENUE CODE STATUTE OF LIMITATIONS FOR ALCOHOL AND TOBACCO EXCISE TAXES.—

(1) IN GENERAL.—Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking ''and section 520 (relating to refunds)'' and inserting ''section 520 (relating to refunds), and section 6501 of the Internal Revenue Code of 1986 (but only with respect to taxes imposed under chapters 51 and 52 of such Code)''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles imported after the date of the enactment of this Act.

(d) EXPANSION OF DEFINITION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5702(o) of the Internal Revenue Code of 1986 is amended by inserting ''or cigars, or for use as wrappers thereof'' before the period at the end.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after December 31, 2007.

(e) TIME OF TAX FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—

(1) IN GENERAL.—Section 5703(b)(2) of such Code is amended by adding at the end the following new subparagraph:

''(F) SPECIAL RULE FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—In the case of

any tobacco products, cigarette paper, or cigarette tubes produced in the United States at any place other than the premises of a manufacturer of tobacco products, cigarette paper, or cigarette tubes that has filed the bond and obtained the permit required under this chapter, tax shall be due and payable immediately upon manufacture.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 703. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''114.75 percent'' and inserting ''113.75 percent''.

In lieu of the matter proposed to be inserted to the title of the Act, insert the following: ''An Act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to House Resolution 675, the gentleman from Michigan (Mr. DINGELL), the gentleman from Texas (Mr. BARTON), the gentleman from New York (Mr. RANGEL), and the gentleman from Louisiana (Mr. MCCRERY) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include therein extraneous matter on the bill under consideration.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of H.R. 976, the Children's Health Insurance Program Reauthorization Act of 2007.

Ten years ago a Republican Congress and a Democratic President passed a landmark program to reach children who had fallen through the cracks of the health care system. These kids weren't poor enough to qualify for Medicaid, and their parents, most of whom worked, couldn't afford health insurance on their own.

Today this program provides health care for 6 million children across the Nation. Those 6 million kids today are in jeopardy because this successful program will expire September 30. The legislation before us will continue helping these 6 million of our children and extend health care to 4 million more of our young people.

This bill is for parents like Ms. Molina, a mother of two children who worked two part-time jobs but still could not afford health insurance. CHIP got her kids treatment for dental work, two sprained ankles, one broken arm, and a severe burn.

It's for parents like Ms. Mingeldorff, the mother of a child born 25 weeks prematurely who would have had to turn down a job without health insurance because it would have made her ineligible for Medicaid.

This bill is for every child who needs a vaccination, a cavity filled, chemotherapy, insulin, antidepressants, or other life-sustaining health care.

I urge my colleagues to vote for the children in your district and to remember this legislation will provide health care for 6 million who are now deriving that and 4 million more. The issue here is are you for or against health care for the kids under the SCHIP program?

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

Mr. DEAL of Georgia. Mr. Speaker, on behalf of the House Energy and Commerce Committee, I reserve the balance of my time at this point.

Mr. RANGEL. Mr. Speaker, I yield myself 3 minutes.

My friends, this is almost an historic occasion because, like the President of the United States said, it is our intention to extend health care to cover 10 million kids.

I don't care how you cut it. You can call it socialized medicine. You can say it's outside of the budget. But when you go home, the question basically is going to be were you with the kids or were you not? It is not just the human and right thing to do, but from a fiscal point of view, how many billions of dollars do we save by providing preventative care to these youngsters? And certainly from a tax writer's point of view, how many of these kids are going to grow to be productive workers so that they can pay taxes and make a contribution to this great Republic?

□ 1845

I don't know how you're going to explain how the kids can go to emergency wards if they get ill, as the President of the United States has indicated; but I know one thing, those of us who have kids and grandkids want the very best for them, and we do have this occasion now.

Now, there are a lot of complaints from the other side that they did not participate in the writing of this bill. Having been in the minority for so long, let me say that every one of you on the Republican side that did not participate, that complained, you have good cause. You were not involved. And I might heartily add, neither were Members on the Democratic side involved.

If you really want to find out who called the shots on this bill, which is not the House bill, it's those people on the other side of the Capitol that believe that everything that has to pass the Senate, that you need 60 votes for. And that's the long and the short of it. So, you may call it the Democratic majority, as I once did, but they're being held hostage by the Republican minority.

And so I participated in terms of seeing what they wanted to do. And believe me, what they said to the House of Representatives, Republicans and Democrats alike, take it or leave it. And so if you want to join with me in looking for someone to criticize, after the debate we can meet in the lobby and talk about it.

But you had an opportunity to vote for a better bill; it was here. And for those who are concerned that legal immigrants can't get services, I hope you voted for the House bill because it was in there. But if you really want to complain about it being un-American, walk with me to the other side, and we'll find the culprits who did it, and they're not Democrats.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

Mr. Speaker, the debate this evening should not be about who is for insurance for children and who is against health insurance for children. The fact is that all of us, Democrats and Republicans alike, want SCHIP to be reauthorized. We will vote tomorrow, I believe, for a temporary extension of the program, and I predict that there will be a huge bipartisan vote in favor of extending the program to give this House more time to develop a true bipartisan reauthorization, long-term reauthorization of the SCHIP program.

I do expect, Mr. Speaker, this bill to pass tonight, but I also expect the President to veto this bill, and I expect his veto to be sustained by this House. At that point, I'm very hopeful that, for the first time in this process, the minority in this House will be included in discussions about how we should reauthorize the SCHIP program, because to this point, frankly, we have not been included at all. We have not been asked for our recommendations for a reauthorization; we were not even given a substitute when this matter came to the floor originally here in the House of Representatives.

So perhaps after the President vetoes and we sustain the veto, then maybe we will be brought into the room and we will have a chance to discuss with the majority what we think is the appropriate level of reauthorization for funding for this program and perhaps some of our ideas with respect to limiting those eligible for this program to the universe of people who were originally intended to be helped by the program, that is, low-income children whose family incomes are too high to qualify for Medicaid but too low to buy a policy in the individual market outside of the workplace.

So, Mr. Speaker, this evening I suggest that, rather than point fingers and say you're against kids and we're for kids, you're for tobacco, we're against tobacco, that we get through this debate and then get through the next step of the process, which I hope will be more bipartisan and more cooperative, to allow us to get a real reauthorization that we can all support as we did in the mid-1990s when we created this program.

Now, we only got this bill, this so-called compromise, last night, so we've been diligently going through it all night and all day today. We're not sure of everything that's in this bill, but I can enumerate a number of things that we believe to be facts and I think are important in this debate for this particular bill.

First of all is the matter of funding. This bill is not even close to being fully funded. Budget gimmicks are replete. The proposal assumes that funding will drop to about one-fourth of the funding in the year 2013, and then another $5 million cut after that. We all know that's not going to happen. But that was done, and I understand, just to make the budget numbers work; but Members ought to know what they're voting for.

Another thing that we're told by the Congressional Budget Office, a nonpartisan arm of the House and the Senate, is that under this proposal 2 million children will move from private health insurance to government health insurance. Now, surely that's not what we want. We don't want the SCHIP program, do we, to move children from private insurance into government insurance? That wasn't the intent of this program when it started.

And on the tax side, on the pay-for side, this bill proposes that we pay for a program with clearly growing requirements, growing needs with a funding source that is going to be declining, depleting, the tobacco tax. As you raise the tax on tobacco, you exacerbate the trend that has been evident in this country for a number of years of declining use of tobacco.

So to propose funding a growing program with a declining revenue source is, I would submit, irresponsible fiscal policy.

I have a few other speakers who are going to talk about some of the other weaknesses in this legislation.

At this time, I would reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey, the chairman of the subcommittee, Mr. PALLONE.

Mr. PALLONE. I want to thank my chairman, Mr. DINGELL, Mr. RANGEL, Mr. STARK, and all who worked, including on the Senate side, to put this bill together.

It does pain me a great deal, though, to hear my Republican colleagues, and specifically the ranking member of the Ways and Means Committee, basically advocate for the President's veto of this legislation. And I say that because I know that 10 years ago, when we established the SCHIP program, it was bipartisan, President Clinton, Speaker Gingrich. And the fact of the matter is it was done for practical reasons because we knew there were kids, as was said by the gentleman from Louisiana, who were not getting health care on the job, but whose incomes, because their parents were working, were too high to be eligible for Medicaid.

Now, all we're doing today is being as practical as we were 10 years ago. We know that there are 6 million kids, almost twice who were enrolled in the program, who are eligible for this program under the same eligibility requirements as 10 years ago who are not enrolled in the program because we don't have enough money to pay for it and we haven't had enough outreach to get them enrolled.

There is nothing new here. This is the same block grant that Speaker Gingrich and President Clinton advocated 10 years ago. But practically speaking, we know that for the first time in the last 2 years the number of uninsured kids is now going up instead of going down, so we have to do something about it. And we sat down with the Republicans in the Senate, with the Democrats in the Senate and the Democrats here in the House, and we came up with a solution, which was the tobacco tax. Now, this is fully funded. And the tobacco tax is a great way to pay for it because if you tax people who are smoking and they smoke less, then we have less health problems, and it's directly related to trying to provide health insurance. So don't tell me it's not paid for. It is paid for. It's paid for in a good way. There is no change in eligibility here. We are simply trying to cover the same kids that are eligible but not enrolled.

And if you go along with the President's veto of this legislation, what you're saying is that not only the kids that are not enrolled, but even those who are now in the program won't be able to get their health insurance. Shame on you for that.

Mr. DEAL of Georgia. Mr. Speaker, I yield myself 3½ minutes.

We're debating the reauthorization of a bill that has been in place for 10 years. It would seem to me that, in doing so, we should learn from the mistakes that were made in the initial legislation and attempt to correct them. I believe the legislation before us tonight overlooks that opportunity.

We have seen the House version that passed here earlier, and we have now seen a Senate version; and the one before us tonight is very similar to the Senate version of this legislation. But it appears to me that we have some questions to ask about that. CBO says that there are 300,000 fewer uninsured low-income children who will be enrolled under the bill before us today than would have been enrolled under the original Senate bill, and yet the amount of money that is being spent is almost exactly the same, an additional $35 billion over the next 5 years. When you couple that $35 billion with the baseline budgeting and the amount of money that States will have to put into the program, we find that we're going to be spending about $60 billion over the next 5 years for a program that for the first 10 years was only a $40 billion program. And when you do include that State funding into the mix, it will be $200 billion over the next 10 years.

Now, who are we going to insure by putting this substantial amount of new money into the program? Once again, the Congressional Budget Office attempts to answer that question. They say that there will be an additional 800,000 children, currently SCHIP eligible, being enrolled in the program by the year 2012. And if that is truly the focus, which it should be the focus of the program, then what are we getting by spending an additional $60 billion? If you divide $60 billion by the additional 800,000 children, that means that this bill is going to require that we spend $74,000 per child. Now, I know the government can throw money away, but I believe that is certainly an excessive amount of money.

Now, who are these children that are going to be the new enrollees? Once again, CBO tells us that, of the additional children who are going to be potentially enrolled, that about half of them are children who already have private health insurance, a 50 percent crowd-out of the existing insurance market.

Now, they also tell us that we ought to be concerned about the fact that if there are potentially going to be as many as 2 million children who will have been moved out of their private insurance into this government-subsidized program, we're also told that Medicaid and also SCHIP generally pay less than the private insurance market pays, that means that the health care providers, the doctors and the hospitals, are going to have to absorb another 2 million patients who are going to be reimbursing them at a lower rate. Another error in the original program, it was for children, and yet we know that four States currently have more adults than children in their program.

Under this bill before us, CBO estimates that in the next 5 years there will still be 780,000 adults enrolled in the Children's Health Care Program.

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

PARLIAMENTARY INQUIRY

Mr. RANGEL. I have a parliamentary inquiry, Mr. Speaker.

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

Mr. RANGEL. Does it violate any of the House rules if I refer to the bill before this House as the ''Republican-controlled Senate'' bill?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

Mr. RANGEL. Well, does it violate any of the House rules if I refer to this bill as a bill that is a Senate bill controlled by the Republicans on the other side of the House? I want to make it clear it's not a House bill.

The SPEAKER pro tempore. If a point of order is made against the gentleman's referring to the bill in that manner, the Speaker will rule on the matter.

□ 1900

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume because I want to share a lot of complaints about what those Republicans did to a good, decent House bill. So if you want to join with me with your criticism, don't criticize anyone here. It is not my fault that your leaders were excluded from the so-called ''conference.'' We had no conference.

I know how it feels to have been in the minority, having been there for a decade. So I share with you why you were left out. But had I been in charge, and not the Senate, I would have wanted you there, your judgment. Even if it was just to read the bill over and over and over, at least you would have been participating.

I yield to the chairman of the Health Subcommittee. No one is in a better position to let you know that this is not the House bill. As hard as he worked to reform Medicare, to make certain that we preserved it, to reform that bill, to get $5 billion for the people in the rural areas, to help the aged poor, and really to help the doctors that work hard every day and deserve a decent reimbursement, that, my friends, was in the House bill. But our friends on the other side, the Republicans said, ''No, take it or leave it.''

Mr. Speaker, I yield 2 minutes to the gentleman that worked hard for the House bill, the gentleman from California (Mr. STARK).

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

Mr. STARK. Mr. Speaker, as my distinguished chairman has suggested, this is a modest proposal, with all due respect to Mr. Swift. I am not proud of the bill or the process. I would say to my distinguished ranking member from the Ways and Means Committee that they were accorded every opportunity at every point to participate in this bill, and they know it. They were not excluded until they decided they did not want to help us pass the CHAMP bill, which was a far better bill.

At this point, I have to thank my colleagues on both sides of the aisle who have helped us pass a bill that would have added a million additional children. It was a far better bill for children. It would have expanded coverage to legal immigrant children. It was better also for senior citizens. But I also have to thank our leadership and the commitment of Speaker PELOSI to suggest that when we come back, after, as we expect this bill will be vetoed, we will remember that there were a tremendous number of proposals in here which would have helped not only children, but seniors, financial help for low-income seniors, mental health parity for Medicare, improved Medicare benefits and health benefits, preventive care, rural health parity, consumer protections in part D, improved dialysis procedures, protection of Medicare from privatization, and the preservation of the Medicare system by doing away with the excessive spending in Medicare Advantage.

The allegiance of groups like AARP, the AMA, Families USA, the Alliance for Retired Americans, the National Committee to Preserve Medicare and Social Security, the AHA, all of whom helped us pass CHAMP, all have been ignored in the bill before us today.

I want to make it perfectly clear, I had no part in backing away from not only my commitments, the commitments of many of my colleagues, to these groups or to America's seniors. I know the Speaker will help us return to that commitment and pass those procedures in the future.

Mr. Speaker, I rise in support of H.R. 976, the Children's Health Insurance Program Reauthorization Act.

As many of my colleagues have made clear, this bill is far better than what President Bush prefers. It will provide $35 billion in new funds for the CHIP program, which will enable 6.6 million children to keep their health care at the end of the month and provide coverage to nearly 4 million currently uninsured children.

President Bush proclaims to want a ''clean extension'' of the CHIP program, but don't believe him on this any more than you did on weapons of mass destruction, ''mission accomplished'' or take your pick of lies he's told. He knows full well that his proposal would mean taking health care away from needy children.

The CHIP program is a block grant so it provides a capped amount of funding to States each year. The existing program is broken. We've already had to pass legislation this year to provide additional funds to keep more than 13 States from dropping children from their CHIP roles. If the President has his way, those States will soon have to take away their health coverage anyway.

That's why I'll vote for this bill today. It is better than the status quo—and far better than the direction President Bush wants to take us all with regard to health coverage.

But, I am not proud of this bill or this process.

On August 1st, we passed a far better bill through the House of Representatives.

First, the Children's Health Insurance and Medicare Protection Act, CHAMP, was better for children. It invested $50 billion into the program and covered more than a million children. CHAMP also allowed States to use Federal funds to appropriately expand coverage to legal immigrant children and corrected a misguided regulation issued by the Bush administration on citizenship documentation that forced thousands of American children to lose their health coverage through Medicaid.

However, not only was the CHAMP Act better for children, it also provided overdue and much needed improvements to senior citizens and people with disabilities on Medicare. In the House, we combined children with seniors and created a bill that improved the health of our youngest and most needy and our oldest.

Unfortunately, Senate Republicans refused to allow our bills to go to conference. They refused to even consider attaching any Medicare provisions to the CHIP reauthorization. As a result, we are here today with a reduced CHIP package that cedes most of the House CHIP reauthorization bill to the Senate's preferred language.

I'm also not certain about whether we will really take up Medicare later this year and adopt the important Medicare improvements we passed in the House.

All of the following provisions from the CHAMP Act are now at risk: financial help for low-income seniors, Medicare mental health parity, improved Medicare preventive health benefits, prevention of the pending physician payment cuts, rural health parity, consumer protections in Part D, improved dialysis procedures, protection of Medicare from privatization through massive overpayments to private plans, and preservation of the Medicare system.

In my opinion, the allegiance of groups like AARP, the AMA, Families USA, the Alliance for Retired Americans, the National Committee to Preserve Medicare, and Social Security and the AHA—which helped us pass CHAMP—have been ignored in the bill before us today.

I want to close by making it perfectly clear that I had no part in backing away from my commitments to any Members of Congress, these groups, or to America's seniors in requesting your support for our broader CHAMP Act. I will do everything I can to see all sections of CHAMP become law. I urge my colleagues in the House and advocates across the country to urge leaders in both the House and the Senate to do the same.

Mr. MCCRERY. Mr. Speaker, at this time, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), the distinguished member of the Ways and Means Committee, the ranking member of the Health Subcommittee.

Mr. CAMP of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this bill clearly isn't about helping low-income children. If it were, it would have support from both parties and the President would be eagerly waiting to sign it into law. This is a missed opportunity. Virtually everyone supports providing health insurance to low-income children. But when a Federal health program for children starts covering not only families, but childless adults making three and four times the poverty level, it has clearly lost its focus.

It is clear that Democrats want taxpayers to fund, and the Federal Government to directly provide, health care benefits to millions of more Americans, even for those families making over $80,000 a year. They are using SCHIP as a vehicle and the children it is intended to cover as a shield to get one step closer to total Government control over our health care system. The current plan to expand SCHIP is in dire need of a second opinion. Instead of moving further and further away from the core mission, we should be reforming the program to ensure it is truly helping America's uninsured children.

The nonpartisan Congressional Budget Office stipulates that the proposed expansion would cover an additional 5.8 million Americans at a cost of $35 billion. Alarmingly, more than one out of every three individuals already has private insurance. The bill before us does little more than move children and upper-income families from private insurance plans to taxpayer-funded

plans. That is a prescription for the type of government largess that stifles economies and unduly burdens taxpayers. It is not a prescription for reducing the number of uninsured Americans.

State's and children's advocates should take a second look at this bill. Because of shoddy funding sources, this bill is likely to harm more States and health care programs than it helps. A Heritage Foundation study showed that as many as 28 States, including Michigan, stand to have a net loss of $10 to $700 million in revenue.

This bill is designed poorly, funded poorly, and will do little to help lower-income Americans obtain health coverage. The President should veto this bill. Congress should work in a bipartisan fashion, as we did nearly 10 years ago when the program was created, to make certain that children in America have access to a health care system.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentlewoman from California (Ms. ESHOO) 1 minute.

Ms. ESHOO. Mr. Speaker, I thank the chairman of the Energy and Commerce Committee for his devotion to this issue during his entire career in the Congress. I don't think that this is a complicated question that is here before us today. I think that it is very clear. It is very clear in terms of the values of the American people. Why wouldn't a Congress, any Congress, offer health insurance for its most vulnerable citizens, the little ones, of our country?

That is what is on the floor today. That is what is on the floor. They are smart, and they are grinning. Grinning. But do you know what? There are going to be the votes for this bill, and the bill is going to pass. And imagine the person that stands at the doctor's door and not allow children to go through: the President of the United States.

This is a bipartisan effort. The people of our country want us to come together for the families of this country, for the betterment of our country, to make an investment. Yes, through taxing tobacco. I would rather tax tobacco and protect the children of our country than to blow $10 billion a month in Iraq. I am proud of the Democrats. I am proud of the Republicans that support it. We should pass this and say a prayer that the President will come out of his cloud and sign the bill.

The SPEAKER pro tempore. Without objection, the gentleman from Texas will claim the time controlled previously by the gentleman from Georgia.

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I would like to recognize a member of the committee, the gentleman from Arizona (Mr. SHADEGG), for 2 minutes.

Mr. SHADEGG. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of health care for America's poor and near-poor children. I also rise in equally strong opposition to this bill.

For more than a decade, I have introduced into the United States Congress every single year a bill that would give every single child covered by this bill health insurance. Indeed, it would provide to every family covered by this bill a source of money, tax funds, to them and their family, to buy the health insurance they need for them and their children. But make no mistake about it. This bill is a fraud. The American people are smart. They know it is a fraud. This bill is Congress playing fast and loose with the facts. If we are going to have a debate about covering every single American, let's have that debate. But let's not hide it in a debate about children's health care.

The American people are generous to a fault. They want to cover poor children. They want to cover children who are uninsured. The SCHIP program we have was supposed to do just that. But this program is a fraud. It doesn't cover just poor and near-poor. It covers middle-class families. Some will say, ''Oh, it is capped at 300 percent of the Federal poverty level.'' But under the law and the language in the bill, States can define income any way they want. Therefore, there is no cap on income. It doesn't just cover uninsured children. It covers more children who are insured already than those who are uninsured. CBO says that if we pass this bill, 2 million children currently covered by insurance, getting better coverage than they will get under this bill, will lose that coverage and go on SCHIP. Be proud of reducing the quality of the care they get. In fact, this bill isn't even limited to children. Indeed, this bill will cover adults. In Wisconsin today, 75 percent of the SCHIP money is used to cover adults. In Minnesota, it is 61 percent. In Arizona, we do the same.

Mr. Speaker, if we want to have a debate about universal care, I am for that debate. I have got that bill. But don't have a bill that is a fraud. We must be honest in this debate. This bill will hurt children's health care in America.

Mr. RANGEL. Mr. Speaker, I am going to act as if I didn't hear that gentleman call this bill a fraud four times. I was in that back room with Senator GRASSLEY, Senator REID and our dear friend ORRIN HATCH. It's their bill. So you call it what you want. But please don't call it a fraud, because it is a Senate bill. And they are very sensitive over there. So I just want to make that clear.

Mr. Speaker, it is my pleasure to give 1 minute to the gentleman from Illinois (Mr. LAHOOD). I cannot think of a Member of this House that has worked harder in trying to bring civility, no matter what the issue was. I heard he wasn't going to run for reelection. I just want him to know publicly that both sides of the aisle will miss him.

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

Mr. LAHOOD. Mr. Speaker, this is a bill about children and about health care. Now, all of us in this Chamber have the very best health care insurance in the world, bar none. We should be willing to share those kinds of resources with kids in this country. Why should children have to go to an emergency room when they have the flu? Why should children have to go to an emergency room when they have a cold? Why should children have to go to emergency rooms when they are sick? They shouldn't. Not in America. Not where we have the very best health care in the world. My friends, we should give to our children the access to health care that we have, those of us that serve in the House and the Senate.

This is a bipartisan compromise. This is an opportunity to take a Republican initiative, share it, move on and give the opportunity to children. I encourage Members to do that, to play on the Republican initiative that was started years ago and to say, we have a bipartisan opportunity to give good health care to children.

Mr. Speaker, I urge my colleagues, particularly on the Republican side, to vote for this proposal.

I thank the chairman for the time.

The debate about whether or not to reauthorize and expand the State Children's Health Insurance Program should be easy. This legislation is the product of a bipartisan group that worked to produce a compromise that should be acceptable to all of us. With the shortfall we have seen in several states over the past year, reauthorization of the program at current funding levels is unacceptable. Earlier this year, Illinois faced a $247 million SCHIP shortfall. Many other states were a similar situation before the shortfalls were addressed with new appropriations. By passing this bill today, we may be able to prevent future shortfalls which jeopardize those state programs designed to cover the costs for low income families who can't afford adequate health insurance for their children.

Of the estimated six million low-income children who are not eligible for Medicaid, more than 250,000 children were covered by All Kids, Illinois' successful children's insurance program. More than half of those children live in working and middle class families that make too much to qualify for Medicaid but can't afford private insurance. In 2005, more than 25% of all uninsured children in Illinois fell into the $25,000–$35,000 income level range, having nearly doubled from 13% in 2002. At that rate of growth, we must continue to see this program through. With passage of this legislation today, it is estimated that an additional 154,000 Illinois children will be afforded health insurance. An additional 3.8 million children nationwide will be covered.

I urge my colleagues to support this vital piece of legislation. It is imperative that we continue to look out for the future health and well-being of this Nation, and that starts with our children today.

□ 1915

Mr. MCCRERY. Mr. Speaker, before I recognize our next speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree with the gentleman that children ought not have to go to emergency rooms to get care,

that children ought to be able to go to their family doctor; but there's a good way and a not-so-good way to provide that.

This bill provides a government healthcare program for that. We would much rather provide a private health insurance plan for that. I would submit that there is a vast difference in those approaches.

Mr. Speaker, at this time I would yield 2 minutes to the distinguished gentleman from Texas (Mr. SAM JOHNSON), a member of the Ways and Means Committee and ranking member of the Social Security Subcommittee.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I must oppose this bill today, but I have got to make it clear that I do support children's health insurance. I believe this bill flat misses the mark. While well-intentioned, this legislation is a massive expansion of a government-run healthcare program that takes resources away from the very children it was meant to help.

As ranking member of the Social Security Subcommittee on Ways and Means, I am deeply disturbed by the part of this bill that makes it easier for illegal immigrants to be covered under this program. In the last Congress, Republicans worked hard to ensure that everyone in this children's health program are really U.S. citizens. Because of that effort, States now require applicants to show documents like birth certificates, driver's licenses or passports in order to prove U.S. citizenship.

This new legislation weakens this standard. All applicants would simply be asked to provide a Social Security number and a name that would then be verified by the Social Security Administration. This process is ripe for massive fraud and abuse that will leave American tax dollars paying for healthcare for illegal immigrants.

In addition, we have the responsibility here in Congress to spend the taxpayer dollar wisely. I know my constituents don't want the Federal Government doling out billions of dollars to pay for illegal immigrants' health care.

Congress should just pass a responsible extension of this important program before it expires, not play politics with our kids' health care. Americans deserve, want, and need for our children to have good health care, and we need to do it today.

Mr. DINGELL. Mr. Speaker, with affection and respect for my good friend from Texas, I would observe that none of the abuses that he points out have been found in the years in which this legislation has been in place, and there are none of the abuses that he would find here going to come forward.

Mr. Speaker, I am delighted to yield 1 minute to my friend, the distinguished gentlewoman from California (Mrs. CAPPS), a real expert in the field of health care and a caring and concerned practitioner as a nurse. We are grateful that she is with us.

Mrs. CAPPS. Thank you, Chairman DINGELL, for your leadership.

Mr. Speaker, I rise today in strong support of this bill and in support of America's children. We have two choices today: we can vote for this excellent bipartisan bill, which Senator HATCH appropriately called ''an honest compromise which improves a program that works,'' or we can vote against this bill and not only deny millions of children the chance to finally access health care, but strip it away from children who are already covered.

Trust me: as a nurse, I know the power and prudence of providing this health care coverage for our kids. It is indeed an accomplishment that Congress can be proud of.

This bill is responsible, and it's the right thing to do. Make no mistake, it is a compromise bill. But if we fail to pass this bill and even one child loses health coverage, we have failed our most important constituents, our children.

I urge my colleagues, I strongly urge my colleagues to join me in supporting this legislation. Vote ''yes'' to protect children's health. ''Suffer the little children.''

Mr. BARTON of Texas. Mr. Speaker, I would yield myself 2 minutes.

Mr. Speaker, we have spent most of today actually trying to read the bill. I have the bill in front of me. In this 2-minute period, I want to discuss section 605 of the bill. Section 605 of the bill has the title: ''No Federal funding for illegal aliens.'' It is a very brief section, two lines: ''Nothing in this act allows Federal payment for individuals who are not legal residents.'' That is it.

So the title of section 605 would have you believe there's going to be no Federal funding for illegal aliens. When you specifically read the section, it just says nothing in the act allows payment. It doesn't prohibit it.

Now, if the authors of section 605 really don't want illegal aliens to receive funding under this bill, this section ought to read something like this: ''This act prohibits Federal payments for individuals who are not legal residents or citizens.''

Mr. Speaker, I would ask unanimous consent to substitute the language that I just read: ''This act prohibits Federal payments for individuals who are not legal residents or citizens.''

Mr. DINGELL. Reserving the right to object, will the gentleman restate his unanimous consent request?

Mr. BARTON of Texas. Mr. Speaker, my unanimous consent request is to substitute for what is in the bill: ''Nothing in this act allows Federal payment for individuals who are not legal residents,'' that is in the bill, I ask unanimous consent to substitute: ''This act prohibits Federal payments for individuals who are not legal residents or citizens.''

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

Mr. DINGELL. Mr. Speaker, that would contravene the understandings we had with our good friends in the Senate who insisted on this language. I have to object.

The SPEAKER pro tempore. Objection is heard.

Mr. BARTON of Texas. The gentleman from Michigan has objected, and I respect that objection. But what that means is that they want illegal residents of the United States of America to get these benefits. That is what the objection means. So for that reason alone, I would ask that we vote against this bill.

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

Mr. RANGEL. Let me tell you what it means, distinguished ranking member. Distinguished ranking member, what it means is that the deal that we cut, if we change anything over here, the Republicans on the other side are going to drop everything. So we are trying to cooperate with this Republican Senate bill. So even if the distinguished gentlemen here would want to agree, we can't do it. We are held hostage by the other side.

Let us put down our arguments and march over there and correct this thing. But I agree with you, that language should have been corrected with both Houses, but the Republicans objected to any changes or any additions.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. EMANUEL), a member of the Ways and Means Committee who is a leader in the Democratic Party, a leader in our Congress, and a leader in our country. We are proud to have him on this bill.

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

Mr. EMANUEL. Last week the President asked for $200 billion more for the war in Iraq. In the same week, the White House said that the bipartisan plan to give 10 million children health care included ''excessive spending'' and threatened to veto it.

I agree we have excessive spending. In Iraq. For 41 days of the war in Iraq, 10 million U.S. children would get health care; 41 days of the war in Iraq, where we have been at war for over 4½ years.

Make no mistakes, this debate is not about spending. It is about priorities. So it is no surprise that the President finds himself increasingly isolated from Republicans here on Capitol Hill, in the Senate, in the House, and Republicans in the State capitals around America.

This President is isolated from where the American people are. They would like to see 10 million children get their health care.

Just listen to what Republicans have been saying. Senate Republican ORRIN HATCH: ''We're talking about kids who basically don't have coverage. I think the President's had some pretty bad advice.''

Senator CHARLES GRASSLEY, another Republican, said that the bipartisan plan ''breaks the legislative impasse and should have strong support from both Democrats and Republicans.''

From minimum wage, to lobbying reform, to veterans health care, to college education, we have passed bipartisan solutions to problems facing America. That is what this bill does.

Thank you for the Republican support for this Democrat initiative. It is right for America's children. It is time to put them first, 10 million kids.

Mr. MCCRERY. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), another distinguished member of the Ways and Means Committee.

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

Mr. Speaker, a couple of things: number one, we are not dedicating enough time to this debate. A half-hour is not enough time to debate what this is really all about. This is not just about health care, health insurance for low-income children. If that is all this was about, then we could pass this with 2 minutes of debate, unanimous consent, voice vote, everyone would agree.

That is not what this debate is about. This debate goes far beyond that, and the American people deserve to have a much more honest, much more thorough debate about what really is being discussed here.

This is a misleading bill. This is a misleading debate. This is misleading, number one, because this is really all about whether or not the Federal Government should run health care for most Americans or not.

All of us in this room, Republicans and Democrats, believe that Americans ought to have access to affordable health insurance. All Americans. We all believe that. The question is, should the government run it, or should health care be a decision between patients and their doctors? Let's have a debate about that.

The reason this is a misleading debate is because this bill takes more health insurance away from children with private insurance than it gives to children without insurance. We are taking more people off of private insurance than we are giving to uninsured children. If we wanted to just give uninsured children health insurance, let's do it.

This bill is misleading because it gives children health insurance for 5 years, and then it pushes them off a cliff. I call it the majority's ''bait and switch SCHIP funding.'' It says 5 million children get it now; 5 million children 6 months into 2012 get nothing. $41 billion is hidden out of this bill. Who believes that that is going to happen? In order to contort their way into their PAYGO rule, they are giving on the one hand and taking out with the other.

But what this debate is really about is putting the government in the middle of that decision between the patient and their doctor. I don't want a bureaucrat running health care. I don't want an HMO bureaucrat running health care, and I don't want a government bureaucrat running health care. I want patients running health care with their doctors.

That is what this debate is really about. This debate is about getting more and more and more government in the middle of the health care decisions between patients and their doctors. This is a debate about getting us on that path toward government-run health care. That is a big debate. It deserves more than a half-hour of debate.

And, unfortunately, the majority is misleading the American people by saying this is only about low-income children, when they are bringing us a bill that displaces kids off of private health insurance, goes to virtually to anybody of any income if a State wants to, and goes way beyond the idea of insuring low-income children.

Let's give low-income children health insurance, and let's have a big debate on whether the government ought to be running health care in America or not.

Mr. DINGELL. Mr. Speaker, I would observe an interesting point, and that is the Congressional Budget Office says that we are taking care of 4 million additional kids who are identical in all particulars to those we now care for under SCHIP. There is no vast increase in socialized medicine or anything of that sort, as we hear from the other side.

Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. I thank our chairman of the Energy and Commerce Committee for allowing me to speak this evening.

Mr. Speaker, I rise with a very heavy heart today in support of this so-called Children's Health Insurance Program because I can't afford not to have our children covered. That is what SCHIP has been about for the last 10 years. We need to continue that service to those kids who are covered. It hopefully will not be dropped off, and we can continue to expand the program.

I will tell you that I do have differences with our party, and especially the Republican Senate Members that refused to allow for coverage of legal permanent resident children and pregnant women.

We passed a good bill, the CHAMP Act. We worked very hard, and I thank our leaders of our committee and our Members for allowing us the opportunity to provide interpretive services for hard-to-reach populations, to go out and do the right thing and to get more children enrolled.

□ 1930

This is not the expansion that many of us envisioned that are sitting here tonight, but it is the best we can do. I can tell you, we had a meeting earlier with Speaker PELOSI. She has made a commitment to continue the discussion with us, and we will make that a priority for the people that we represent here in America.

If we can send troops, send our soldiers to defend our country and yet not cover their families and their children, then we have moral corruption going on in this Congress. I support this bill. Again, I say I have a heavy heart.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I want to acknowledge my good friend, Mr. RANGEL, the distinguished chairman of the Ways and Means Committee. I now know who the problem is; it is those big, bad bully Republicans in the Senate. I didn't realize that.

Mr. RANGEL. I can discuss it in some detail.

Mr. BARTON of Texas. It is my time.

The SPEAKER pro tempore (Mr. SCHIFF). The gentleman from Texas controls the time.

Mr. BARTON of Texas. Now that I know what the problem is, I am going to call over there. They are good friends of mine, Mr. HATCH and Mr. GRASSLEY. And tell them that now that we have identified the problem, will they accept the language that Mr. DINGELL objected to, and when we are here next week on the House floor when this bill is vetoed by the President, I would expect my good friend from New York to accept that change in the language.

Mr. RANGEL. If we can get them to open up this, we can do business.

Mr. BARTON of Texas. I know we can. I think my time has expired, but I just want to commend him because now I know where the problem is. It is those big bad bully Republicans and these two wily negotiators, Mr. RANGEL and Mr. DINGELL, who are two of the most distinguished, able legislators in the history of the Congress, have been buffaloed by a couple of scallywags over in the Senate.

Mr. RANGEL. Mr. Speaker, it is my pleasure to yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ) who is an outstanding member of the Ways and Means Committee.

Ms. SCHWARTZ. Mr. Speaker, as one of the original architects of CHIP in Pennsylvania, I have seen firsthand that it is possible to bring together public and private stakeholders and expand health coverage to millions of children, children of working families who cannot afford the increasing cost of coverage.

As the September 30 deadline to reauthorize CHIP quickly approaches, American families are counting on us to ensure health coverage for millions of American children.

The Democratic majority understands the needs of working families and has negotiated for weeks to craft a commonsense compromise legislation before us. This plan has a broad-based coalition of supporters ranging from our Nation's seniors and unions and businesses, insurance companies and health care providers, all of whom have come together to support CHIP.

American families expect action, and 10 million uninsured American children are depending on us. It is time to put children ahead of politics. Vote ''yes.'' Vote for America's children. Tell the President to end his veto threats and vote to make health coverage available and affordable to 10 million American children.

Mr. MCCRERY. Mr. Speaker, due to the imbalance of time remaining, I would at this time withhold calling on a speaker, and I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding, and I rise to oppose this bill.

As much as anything, I want to say the children's health care bill, you would think would get a little more dignity in the process around here. This is a 299-page bill which we received, ''we,'' minority Republicans, received at 6 p.m. last night, or maybe even later than that. That doesn't give you a lot of time to work on a bill and have any kind of bipartisan deliberations.

Plus, there is no motion to recommit. Now I know that is inside-the-Beltway stuff, but this is important if you are talking children's health care.

What I do know is that in the bill, adults are still allowed to be covered by it. Adults can push poor children out of the way because States are going to politically favor them and let them have the opportunity to be insured.

I know there is a massive tax increase. I know there is very little sympathy for smokers these days, but it is still a tax increase on the backs of the smokers. And in order to get enough money to pay for this, it would require 22 million new smokers in the United States of America.

Now, maybe the Democrat Party is planning to pass out cigarettes at the schools and say to the kids: Hey, look, start smoking so you can finance your own insurance company. And you'll probably be needing it, by the way, wink-wink. But in the meantime, the government gets to grow. The bureaucracy gets to grow. The nanny-state, more like the Nurse Ratchet states, continues to grow at the expense of children. I urge a ''no'' vote on this.

Mr. RANGEL. Mr. Speaker, I think my time along with Mr. MCCRERY's is short. If you can give us the amount of time, I think I am going to pass right now.

The SPEAKER pro tempore. The gentleman from New York has 4½ minutes remaining. The gentleman from Louisiana has 2½ minutes remaining. The gentleman from Texas has 5½ minutes remaining. The gentleman from Michigan has 7½ minutes remaining.

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

Mr. DINGELL. Mr. Speaker, I am delighted to yield 1 minute to a very able member of our committee, the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, I rise today in strong support of H.R. 976. In Oregon alone, 37,000 new children will receive access to health care under this bill. Those children are counting on us to act today before this critical program expires.

Although many speakers before me have focused on the big picture by citing the number of children impacted by this legislation, I implore my colleagues to not lose sight of the small picture: the impact SCHIP has on the life of a single child.

The core purpose of this legislation is to ensure that a single child with the flu can go to the doctor or that a single child with cancer can receive chemotherapy. SCHIP simply allows the interaction between health care providers and the child to occur millions of times over.

I hope the House will put aside petty partisan differences and show strong bipartisan support for H.R. 976, that the President will stand alone if he vetoes this critical piece of legislation.

I can give the President 10 million reasons why he should put down his veto pen once we pass this bill, H.R. 976: the 10 million children who will otherwise go without access to health care if we do not pass this bill. I urge a ''yes'' vote on H.R. 976.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

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

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

I rise in opposition to this SCHIP proposal. I see this as a bad deal for America, which is not to say that I oppose a reauthorization of this program or its essential elements. And in the continuing resolution this week, we will see to it that this program does not lapse as a virtue of my vote.

But beyond the budget gimmickry, beyond increasing taxpayer liability for illegal immigrants, this compromise is no deal the American people should accept.

It is interesting that a health insurance program for poor kids doesn't require your kids to be poor. Families with incomes of up to $83,000 a year could be entitled to assistance in health insurance in this program. Also, a State program to provide health insurance for children doesn't require families to have children to participate. This program allows childless adults to continue to receive SCHIP through 2012.

Also, it pays for all of this by raising taxes 61 cents per pack and more on cigars. The headline ought to read, ''Smokers in America to pay for middle class welfare.''

Congress should reject this SCHIP program, continue this program, and reject all of the bad elements of this bad deal.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to Mr. JASON ALTMIRE, a distinguished gentleman from Pennsylvania.

Mr. ALTMIRE. Mr. Speaker, there has been a lot of conversation about how this is a Federal Government program and how this is a move to expand Government's role in health care, so I thought I would take a moment, a minute, to talk about what is really in this bill.

This is an expansion of an existing program created 10 years ago in a Republican Congress. It is a capped block grant. The amount of money is capped. It flows through the States, and almost every State in the country administers the program through the private health insurance market. Through the private market.

This could not be anything further from a big, government-run program. It is administered by the States and contracted out to the private market.

And yes, these are families that have income. They are families that work hard and play by the rules, and they are families that can't afford health care for their children. Is there any better cause in this country that we can work on in this Congress than that issue? I ask my colleagues to support this bill.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, since we have not had a markup and since we have not had a legislative hearing, and I know it is cumbersome to actually refer to specific sections of the bill on the floor, especially of what is portrayed to be a conference report, which this is not, which is not amendable, but I want to go back and talk about this eligibility.

There is a section in the bill, section 203: ''State option to rely on findings from an express lane agency to conduct simplified eligibility determinations.'' On the face of it, that would seem to be a good thing. This section is very complicated. It is 10 to 15 pages long.

But it does say in this section that a parent of a child that might be eligible can self-verify. If you are approached by one of these express lane agencies, it is up to the parent of the child to self-determine, to self-certify that they are indeed eligible. That would appear to be something that we need to work on.

Then it goes on when it defines the actual express lane agencies on page 123 of the bill, in subparagraph (F), it goes through and lists the kind of public agencies that are express lane agencies. They apparently include Medicare part D, Medicaid, Food Stamp Act, Head Start Act, National School Lunch Act, Child Nutrition Act, Stewart B. McKinney Homeless Assistance Act, United States Housing Act, Native American Housing Assistance Act, and so on and so on.

Again on the face of it, those are all agencies that might be of some assistance, but I doubt that their requirements are the same as the requirements for the base bill for SCHIP in

terms of income eligibility and age determination. For example, I doubt that the Stewart B. McKinney Homeless Assistance Act has an age requirement at all.

So again, when the President vetoes this bill and we are back working together on a bipartisan basis, these are the kinds of things I hope to clarify and tighten up.

Mr. DINGELL. Mr. Speaker, it is a pleasure and a privilege for me to yield time to a distinguished member of the Committee on Energy and Commerce, the respected gentlewoman from New Mexico, a very valuable member of our committee (Mrs. WILSON).

□ 1945

Mrs. WILSON of New Mexico. Mr. Speaker, my colleague from New York, Mr. RANGEL, says this is not a House bill; and he's right, it isn't.

When the House first passed its version of this bill, I opposed it, particularly because it funded that House version of the bill through reductions in Medicare spending. This bill is a compromise. It is a much better bill. It's not a great bill, but it's a good bill.

I was a cabinet secretary in New Mexico for children at the time SCHIP was initially implemented. It was established by a Republican Congress and a Democrat President and it works. It gets kids health insurance that they need.

We have big challenges in health care, but this isn't one of them. Don't let the perfect be the enemy of the good. I would ask my colleagues to join together and to support this bill tonight for the good of all of us.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to a distinguished Member from Texas (Mr. HENSARLING).

Mr. MCCRERY. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, let nobody make a mistake about it. I know the Democrats are trying to cast this as a debate about insuring poor children. That's false. We have Medicaid. We could reauthorize the current SCHIP program now in the snap of a finger, but that's not what this is about.

Instead, this is a debate about who will control health care in America. Will it be families and doctors, or will it be government bureaucrats? This is a proxy fight for the Democrats to take that first step towards socialized, government-run health care in America. That's what this is all about, and there should be no mistake about it.

We've got a program for children that insures adults. We've got a program ostensibly to help the poor that can subsidize people making $82,000 a year, and they're going to do all this with a huge tax increase on smokers, and we're going to need 22 million new smokers in 10 years just to pay for it.

If this bill passes not today not tomorrow but at some time, the children of America will suffer. If this program passes, and I hope all the mothers of America are paying very careful attention to this, because if this passes, in the years to come they won't wait minutes or hours to see a doctor of their choice. They will wait weeks and months to see a doctor chosen by a government bureaucrat, and that doctor will not be the doctor of today. It will be somebody who is less competent, less able to take care of their child, and that's what this is all about.

If you care about the children, reject this bill tonight.

Mr. RANGEL. Mr. Speaker, it's my pleasure to yield 1 minute to Dr. STEVE KAGEN, who would share his views with us.

Mr. KAGEN. Mr. Speaker, the vote we will cast today will ask a simple question: Whose side are you on? Are you on the side of the millions of children who lack access to health care? Are you on the side of families who are working hard, but still cannot afford the cost of health insurance today in America? Are you on the side of the American people who demand, who demand that this Congress find a solution to the impossible costs for health care across the country? Or are you on the side of powerful special interests?

The bill before us will cover nearly 38,000 additional uninsured children in Wisconsin, and I'm on their side. Whose side are you on? The American people will remember tonight, how you cast your vote. That question tonight will be answered in your vote, and tonight will answer the needs of those who need us the most, and that's our Nation's children, for they are our future.

Vote ''yes.''

Mr. MCCRERY. Mr. Speaker, I only have one speaker left to close, so I would reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I also only have one speaker, that's myself, to close. What is the order of closure?

The SPEAKER pro tempore. The Chair will recognize Members to close in the reverse order of opening: Mr. MCCRERY, Mr. RANGEL, Mr. BARTON, and lastly Mr. DINGELL.

Mr. RANGEL. Mr. Speaker, I have two speakers so I think I will reserve my time at this time until we can get a little equality in the time. I think I only have 2½ minutes.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentleman from Washington (Mr. INSLEE) 1 minute.

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

Mr. INSLEE. Mr. Speaker, 10 million low-income American children will get health care coverage under this bill to renew SCHIP. Some of us think that is not such a bad thing.

This legislation is especially important to my home State of Washington because it will cut in half the number of uninsured kids in Washington State. It does that by fixing a long-standing inequity that punished Washington and 10 other States because we provided coverage for kids just above the poverty line, and we fix that long-standing inequity tonight.

If you're a Member from the State of Washington, Wisconsin, New Mexico, Connecticut, Wisconsin, Rhode Island, Minnesota, Maryland, New Hampshire, Vermont and Tennessee, vote for this bill and you can go home telling your constituents we fixed this long-term unfairness.

I'd like to thank Chairman DINGELL for including a 100 percent permanent fix in the House SCHIP bill that we passed in early August. I'm grateful that we retained that fix, and I hope we'll make sure that we do this on a permanent basis ultimately.

So we need to pass this bill tonight, extend coverage and fix that inequity.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentlewoman from California (Ms. ROYBAL-ALLARD) 1 minute.

Ms. ROYBAL-ALLARD. Mr. Speaker, I hoped I would rise today in strong support of this SCHIP conference agreement that ensures millions of additional children access to health care.

While I am pleased that we are increasing our investment in children's health, I'm deeply disappointed that final product denies health care to legal immigrant children.

The Senate Republicans' failure to include the House-passed Immigrant Children's Health Improvement Act in the conference agreement is a tragically missed opportunity to address existing health disparities among vulnerable legal immigrant children and pregnant women.

More than 20 States, including California, have recognized that increasing access to care for legal immigrant children and pregnant women is good public health policy and cost-effective care.

Unfortunately, this bill ignores that fact.

This debate is not about immigration. This debate is about health care and our moral imperative to value the life of every child and to ensure that race and income do not determine the health status of any child in our wealthy Nation.

Mr. RANGEL. Mr. Speaker, I yield 1 minute to an outstanding member of the Ways and Means Committee from the sovereign State of New Jersey (Mr. PASCRELL).

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

Mr. PASCRELL. Mr. Speaker, 90 million Americans, nearly one-third of our Nation's population, had no health insurance for some or all of the past 2 years. Please let it sink in.

It is shameful that roughly 10 million of these uninsured are children. Ninety percent of those kids live in working households and a majority in two-parent families who simply cannot afford health coverage. Six million children are in imminent danger of losing their

coverage if Congress fails to reauthorize SCHIP now.

We've heard many things this evening and that is, you've stooped to conquer. You accuse the Republicans and Democrats who support this legislation of wanting to do this for illegals. Then you accuse the Republicans and Democrats who support this legislation of supporting socialized medicine. And that wasn't bad enough. You went to the next thing. You accused Democrats and Republicans of encouraging smoking, and then you said that we want to aid the rich and comfort the rich.

Read the legislation. This is good legislation for America. Help the children for a change. Let's come together and vote for this legislation.

Mr. DINGELL. Mr. Speaker, at this time I yield myself 2 minutes.

We have here before us a bill which gives $35 billion to strengthen and improve children's health coverage. It protects 6 million children today covered by SCHIP. It adds an additional 4 million. It is the largest investment in children's health since the passage of the original Children's Health Insurance Program in 1997.

It provides $300 million in outreach grants for the States, community organizations, tribal organizations, and national initiatives. It provides a new express lane initiative for one-stop enrollment. It facilitates enrollments for newborns so coverage starts immediately. It does more than this. It revises the current SCHIP program formula to more accurately attract State need in that it follows the House provisions.

It provides the children enrollment program contingencies adjustment allotments to States to succeed in reaching the eligible but the unenrolled.

It does more. It provides dental coverage for CHIP children. It also provides mental health coverage for children. It provides grant money for diabetes clarification and prevention. It clarifies the coverage of school-based clinic services through the CHIP program. It creates a new option for CHIP programs to subsidize employer options and employer coverage for children whose parents may already have access to coverage.

It does not do any of the things that were charged on the other side because it does not change the law that CHIP now has in place. It just offers additional benefits to children under the SCHIP program.

It is a program which will cover 4 million more kids. It has to be passed by the first of the next month or else all of these kids are going to lose their coverage.

I was at the Governors' meeting in northern Michigan, and the one thing that the Governors were unanimous on is that we need to pass this SCHIP because it is an essential program and an essential part of their program for the care of our kids.

It is a piece of legislation that will make this country better. Take care of our kids. See to it that we do the job that we should in making health care available for all of our kids.

I yield back the balance of my time, excepting I'm going to save time to yield to my dear friend, the majority leader, to close.

The SPEAKER pro tempore. The gentleman reserves the balance of his time.

Mr. MCCRERY. Mr. Speaker, I believe all of the controllers of time are ready to close.

Mr. Speaker, the gentleman that spoke right before me, the distinguished chairman of the Energy and Commerce Committee, said that this bill provides $35 billion for children. This bill actually provides a lot more than that. It's $35 billion in new, additional spending on top of the $25 billion that the program as currently structured spends. So we're more than doubling on paper the cost of this program. And when you consider that there's another, oh, approximately $30 billion that the tax increase in this bill does not cover, we're getting up to tripling, quadrupling the size of this program.

Now, the gentleman earlier said that no abuses such as illegal immigrants gaining benefits have ever been identified. Well, I would refer the gentleman to the 2005 HHS Inspector General report in which the Inspector General says that 47 States allowed self-declaration in the United States citizenship for Medicaid and he asked for those States to give him an audit.

Only one State did that, the State of Oregon. The Secretary of State provided an audit, and in that audit he found out of 812 individuals sampled, who were Medicaid beneficiaries in that State, 25 of them were noneligible noncitizens.

So, Mr. Speaker, under the provisions in this bill, which liberalize the current law treatment of qualification of individuals for this program, we indeed expect to see abuses of this.

So, Mr. Speaker, I urge all of us to vote ''no'' on this so that we can sustain the President's veto if the bill passes and then get together for a true bipartisan compromise on this important program.

The SPEAKER pro tempore. The time of the gentleman has expired.

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Mr. RANGEL. Mr. Speaker, when Congresswoman NANCY PELOSI shattered the glass ceiling and made history as the first woman to become Speaker in the history of the United States Congress, the one picture that remained to commemorate this great event was the children that were there when she was sworn in. It wasn't a symbol of the war or the deficit or the Republicans or Democrats; it was this Congress sharing with the rest of the country our deep commitment to the children of our country. And that is our investment.

Whether you are liberal, conservative, Republican, or Democrat, no one can challenge that our most precious human beings are those who cannot protect themselves. We have this opportunity to join with the Speaker as she closes this argument to set aside the partisanship and to be able to say, no matter what our differences, it was the children, it was the children that prevailed, and I voted with them.

I yield the balance of my time to the Speaker of the House of Representatives, Congresswoman NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I thank the distinguished chairman for recalling to mind that opening day here when I accepted the gavel on behalf of the children of America, all of the children of America. And when we had this debate before in Congress, we talked about perhaps the children listening to this debate, hearing what Members of Congress were saying. And I expressed my hope that they would consider this the children's Congress.

I thank the chairman of the Ways and Means Committee, Mr. RANGEL, for his leadership, and Mr. STARK, the Chair of the Health Subcommittee for helping to make this the children's Congress with this legislation. I thank the distinguished chairman of the Energy and Commerce Committee for his tremendous leadership.

Mr. RANGEL and Mr. DINGELL went into the conversations with the Republican leadership in the Senate on this bill, true champions of America's children, knowing the facts and figures, the provisions, every provision of the bill with such authority as they argued on behalf of America's children so effectively that this legislation before us reflects many of the provisions that were in the House bill. We had to agree to the Senate language in terms of the $35 billion and the pay-for with the tax on tobacco. We had hoped that we could do more in terms of the money allocated for this purpose so that we could cover more children.

As I praise Mr. DINGELL, I also want to acknowledge the fabulous leadership of Mr. PALLONE, Chairman PALLONE of the Subcommittee on Health in the Energy and Commerce Committee. Because of their leadership, we were able to join Senator REID, Chairman BAUCUS, Chairman ROCKEFELLER, Ranking Member GRASSLEY, and Ranking Member HATCH in having a very bipartisan conversation on this subject. The people who were in the room that evening cared about passing a serious piece of legislation to expand health care for America's children. Not to expand the eligibility, as some on the other side of this House would have you believe, but to expand the number of kids who could be served if they met the eligibility. I, myself, had hoped that we could go beyond that and have eligible children in America who were legal immigrants. I was told that that would not fly in the Senate; that is a fight we will hold for another day.

But I am pleased as one who represents a minority majority district

from a majority minority State, where our State is blessed with a beautiful diversity, that of the additional children, nearly 4 million additional children covered, 67 percent of those children are minority children. Two-thirds of those children are children from families who are working hard, playing by the rules, lifting themselves out of poverty. They are the working poor in America. They are those who have aspired to the middle class to change that status and want to stay there. They simply don't make enough money to afford the private health insurance that this SCHIP initiative enables them to do. In fact, 72 percent, my colleagues might be interested to know that 72 percent of the children on this SCHIP program get their health coverage from private health insurance.

There are many misrepresentations, and I think they are probably unwitting because I assume that every person in this Congress cares about insuring as many children in our country as possible. How could it not be so? It is a deeply held value in our country that our children, as President Kennedy said, are our greatest resource and our best hope for the future. We must invest in them. We have a moral responsibility to do so.

When we had the debate on this bill and it first came to the floor, I was delighted in quoting a poem from my youth from Longfellow when he said, ''Between the dark and the daylight, when the night is beginning to lower, comes a pause in the day's occupation that is known as the children's hour.'' This is the children's hour for us in the Congress of the United States.

I quoted Longfellow then, I am reminded of the Bible tonight, and I speak with all of the sincerity and all of the hope to President Bush in the hope that he will change his mind to dig deeply into his heart and think about the children in America who don't have health care. Because, if not, I think that the President is giving new meaning to the words ''suffer, little children.'' Suffer, little children, if your parents can't afford health insurance, but they are working hard and they are not on Medicaid, but you will suffer because they are struggling to give you the best possible future. Suffer, little children, if your family has played by the rules and they have come to this country and you are here as a legal immigrant, because if you are sick, you will not get health care unless your parents can afford private insurance. Suffer, little children, if you are sick because you haven't had the proper nutrition, the proper prevention, the proper early intervention to your affliction, that you should go directly to the emergency room. But until you can get into that emergency room with enough of a serious illness, you will suffer. That is just not right.

I would hope that the President would have had a change of heart and mind since he was Governor of Texas. When he was Governor of Texas, the SCHIP program there, in meeting the needs of the children of Texas, ranked 49th in the country; 49th in the country. Forty-eight States were doing better in meeting the health needs of their children as reflected in the outreach of the SCHIP program. Does that mean that Texas is the 49th wealthiest State in the Union, that the children in that State can all afford private health care? I don't think so, especially since that State, as with mine, is blessed with beautiful diversity and people, again, families who come to America, families who are part of our country, who are struggling to make ends meet to build a better future for their children. And building that better future is what our country is all about, and those newcomers make America more American. I heard the President say that.

We also heard him say that in this term of office that he would enroll every child who is eligible. I am sure our distinguished majority leader will bring that to the attention of this body.

What is interesting about this is that the President, if he persists in vetoing this bill, and by the way, you don't have to be a Latin scholar to know that ''veto'' means ''I forbid.'' With that pen, the President says, I forbid struggling families in America to have health care for their children. I forbid every child to be treated the same if they have an ailment.

How did any one of us decide that we were going to choose, you will have health care and you will not, in a country as great as ours when we are talking about our children? We are talking about our children.

So that is why the Conference of Mayors, the U.S. Conference of Mayors, a bipartisan organization, has overwhelmingly supported this legislation. That is why 43 Governors sent us a letter in July urging us to come to bipartisan agreement on legislation that would reauthorize SCHIP to care for many more children in our country. So when I hear the President say that we don't want to help children, we just want to do politics, I don't think he means that. So I hope he doesn't mean that he is going to veto the bill.

Senator GRASSLEY said of the President: The President's understanding of our bill is wrong. I urge him to reconsider his veto message based on our bill, not something that someone on his staff told him wrongly is in the bill. Actually, he said, ''in my bill,'' Senator GRASSLEY said. And Senator HATCH said: We are talking about kids who basically don't have coverage. I think the President has some pretty bad advice on this.

And I want to also commend Representative Ray LaHood and join you, Mr. Chairman, in saying what a privilege it is to call him ''colleague'' and to serve with him in the Congress, and thank him for his leadership in making a distinction between what is about the children and what is about politics in this House.

I talked about the mayors; I talked about the Governors. Nearly 300 organizations in our country, alphabetically from AARP to YMCA and everything alphabetically in between, Families USA.

I heard someone say the doctors should be making the decisions. The American Medical Association firmly supports this bill. The President of the AMA stood with us in a press conference today to support this legislation. The Society of Pediatrics. Everyone who has anything to do or cares about children in our country knows that this bill is the way to go. It is not everything I want, believe me, it is not the bill I would have written. I would have been far more generous and it would have been paid for in perhaps a different way, but it would have been paid for; because in terms of bringing benefits to our children, we have absolutely no intention of heaping debt onto them.

The Catholic Hospitals Association, again, the list goes on and on about who supports this bill. It is a long list; it is a comprehensive list. And I might include in it that, across the country, overwhelmingly, the American people know and respect the value of taking care of America's children, all of America's children. Two-thirds, two-thirds of those polled among Republican voters, 2–1, they support passing this legislation and having it signed into law.

Why does the President want to isolate himself from caring for America's children? Let's hope and let's pray that a very big, strong bipartisan vote tonight will send him a message to rethink his position.

I see a child in the Chamber. Our constant inspiration of what we do here is supposed to be about the future, and the future demands that we invest in health, the education, and the well-being of our children.

So, my colleagues, vote as if the children are watching. Please vote as if the children are watching, and please send them a message that this is the children's Congress.

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Mr. BARTON of Texas. Mr. Speaker, may I inquire as to how much time I have.

The SPEAKER pro tempore. The gentleman from Texas has 1½ minutes remaining. The gentleman from Michigan has 1 minute remaining.

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

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. And since I really have a real minute and a half, I'm going to try to go through this as quickly as possible.

Republicans want to reauthorize the SCHIP program. We do want to refocus it on the original intent of the program, which was near-low-income children in families between 100 and 200 percent of poverty. We understand that

in the 10 years of the program's existence that waivers have been given and there are some States that cover up to 350 percent of poverty, and some States cover adults.

But as our distinguished Speaker just said, Republicans are for the children, and we want to focus the SCHIP funds on those children and those families that don't have private insurance and aren't covered by Medicaid; and we believe that that is children in families somewhere between 100 percent of poverty and 200 percent of poverty.

And when the President rightfully vetoes this bill, and when the House of Representatives rightfully sustains the President's veto, it is my hope that we will get with the other body and the Democratic leadership at the leadership level and Chairman DINGELL and Chairman RANGEL, and we will work out a bipartisan compromise that does cover the health care needs of the needy children of America that currently, in spite of our best efforts, do not have the health insurance and the health coverage that they need.

To make that possible, we have to defeat this bill, or at least get enough votes to sustain the President's veto of this bill, and then work together in the near future to do some of the things that we have talked about on the floor this evening.

Vote ''no'' on the SCHIP bill this evening.

Mr. DINGELL. Mr. Speaker, at this time I yield to the distinguished majority leader the balance of my time for purposes of closing.

Mr. HOYER. Mr. Speaker, for those of us who have served in this body for some period of time, all of us know that the gentleman from Michigan (Mr. DINGELL) has been as focused on health care for all Americans as anybody who's served in this body, with the sole exception, perhaps, of his father. For over half a century, the Dingells have focused on making sure that Americans in the richest land on the face of the Earth had access to health care.

I want to congratulate my friend, Mr. DINGELL, and I want to congratulate his partner, CHARLIE RANGEL, one of the senior Members of this House, chairman of the Ways and Means Committee, who has worked collaboratively with JIM MCCRERY, and I want to congratulate JIM MCCRERY; I'll congratulate him again while he's listening; who has worked, I think, positively with the chairman, and I thank him for that.

I rise in support of this legislation. Today the Members of this body must answer this fundamental question: Will you stand with millions of American children who, through no fault of their own, but they live in families of limited means, have no health insurance? Or will you stand with the few, including at least now President Bush, although I hope he changes his mind, who are ideologically opposed to this legislation, and thus being willing to leave millions of American children stranded without the health insurance coverage they need and that they deserve?

Mr. Speaker, the bottom line is this: we must not sacrifice the health of our children on the altar of a conservative ideology. We must pass this bill.

The fact is, President Bush himself stated on the campaign trail in 2004, in fact, it was at the Republican Convention, and I would hope all my Republican colleagues would listen to the President's quote, if you haven't already seen it and read it. He said this as he addressed the American people asking them for their vote for a second term, which they gave him. He said this: ''In a new term, we will lead an aggressive effort to enroll millions of children who are eligible but not signed up for government health insurance programs.''

President Bush said that as he appealed to the American public for their support for a second term, that he would aggressively pursue a program of adding millions of children, eligible but not included, in the health insurance program.

''We will not allow a lack of attention or information to stand between these children and the health care they need.'' That is what President Bush said to the American public from the convention floor in 2004. We, tonight, are going to give him the opportunity to fulfill that promise to the American public.

Unfortunately, the President is threatening to renege on his campaign promise and to veto this legislation. Let's be clear: this fiscally responsible legislation will ensure that some 10 million children will receive health insurance coverage. That's approximately 4 million more than are covered under the Children's Health Insurance Program today. And so what we consider today is not young Master Snyder, who was on this floor, or Gemma Frost, with whom we met earlier today. Gemma Frost will be covered. Luckily, Master Snyder's father is covered, as all of us are, under a Federal Employee Health Benefit Plan to which our employer contributes. Gemma Frost was not so lucky.

The truth is, those 4 million additional children are eligible under existing guidelines, not new guidelines that we've created. They are the children that were eligible that President Bush talked about in 2004 that he wanted to vigorously assume inclusion in the program. Millions, he referred to.

This legislation does not change eligibility guidelines. It simply strengthens CHIP's financing, increases coverage for low-income children, and improves the quality of care they will receive.

In contrast, under the President's proposal, and I hope my friends would put this fact in juxtaposition to the President's representation in 2004 on the floor of the national convention that you held as your party, his proposal would decrease, by 800,000 children, the numbers that would be covered under CHIP in the future. Now, that's included in the 4 million, so actually it's a net 4 million difference between the proposals.

Ladies and gentlemen, we ought not to retreat from our children's health. We ought not to retreat from working families concerned about the inclusion of their children.

And I suggest to my friends concerned about cost, we ought not to give the answer, they can go to the emergency room. Why not? Because all of us know that is the most expensive intervention in the health care system in America. And so not only do we put our children at risk, but we compound our costs.

It's no wonder, Mr. Speaker, that this legislation has received strong support from Members of both sides of the aisle, as well as a wide range of health care providers, including private insurers, doctors and hospitals.

For example, Senator HATCH has already been quoted, but it bears repeating. He said: ''We're talking about kids who basically don't have coverage. I think the President had some pretty bad advice on this.''

Don't take that bad advice. Let us join hands; let us be together on this issue. You voted on a prescription drug program far more expensive than this one, and unpaid for.

Senator GRASSLEY stated: ''The President's understanding of our bill is wrong.''

That's the former chairman of the Finance Committee, Republican, senior Member of the United States Senate. He says, ''The President's wrong.'' He urges him, he says, ''I urge him to reconsider his veto message.''

Every one of us, as we vote tonight, can send a strong message that will perhaps help him to reconsider that position.

Now, let me say, those who complain that this bill will induce people with private insurance to drop their coverage and enroll in the CHIP program are simply grasping at straws. Why do I say that? The fact is, even America's health insurance lobbying group supports this bill.

Finally, let me mention two other points. First, I am very pleased that this legislation includes a comprehensive dental benefit that will give low-income children the dental care they need and will provide States with flexibility in how they provide such care.

Why do I bring that up?

Dental care is important. A 12-year-old child who lived approximately 8 miles from this Chamber, Deamonte Driver was his name, he was 12 years of age. He had three siblings. He got a toothache. His mother did not have coverage and tried to get coverage, tried to get dental care, and she could not get dental care, and that toothache became an infection in the brain, and Deamonte Driver died just months ago, just 9 or 10 miles from where we stand. That is one of the reasons, one of the

four million reasons that I stand here to say that we need to pass this legislation.

Secondly, I'm very disappointed that the Senate Republicans insisted that we remove the House-passed provision on Medicare, as well as our provision that would have allowed legal immigrants who pay taxes to be eligible.

Why is that of concern?

Because my granddaughter, 5 years of age, who just started kindergarten, she may sit next to one of those children in her kindergarten class, and that child who is legally in the United States may get sick. But if that child cannot access health care and sits next to my granddaughter, my granddaughter is at risk.

We want everybody in this country to be healthy so that the rest of us can be assured that we operate in a healthy environment. That is why we want that provision.

Ladies and gentlemen of this House, Speaker PELOSI was right: I don't believe there's a person in this House that doesn't care about their own children, about their neighbor's children, and about the children of our country. All of us care. We need to come together, however, and see how that care can be transformed into meaningful, tangible help.

Mr. Speaker, we have a rare and wonderful opportunity tonight to do the right thing, to put aside partisanship, to elevate the practical, responsible, and moral solution above the ideological.

Mr. Speaker, I urge my colleagues on both sides of the aisle, let's seize this opportunity. Let's do the right thing. Let's stand with America's children. Let us pass this historic legislation.

Ms. HIRONO. Mr. Speaker, I rise today in support of H.R. 976, the reauthorization of the Children's Health Insurance Program (CHIP).

I believe our nation must show true compassion for the most vulnerable among us, and CHIP is a program that helps millions of low-income American children to receive health care so they can grow up in good health.

Since its creation in 1997, CHIP has been successful in providing vital health care coverage for children in families who cannot afford private insurance yet earn too much to qualify for Medicaid.

There are now 6.6 million children emolled in the program.

Unless we act now, they are in danger of losing their health coverage, as CHIP expires on September 30th.

Leaders in the House and Senate have worked hard to bring this conference bill to the floor.

In supporting the conference bill, I want to note that the bill passed by the House earlier is a stronger bill in its coverage of more children in need and in eliminating the automatic cuts to Medicare reimbursements set to take effect in 2008 and 2009. Eliminating these automatic cuts was at the top of the list of needed legislation by medical and health care groups.

I am hopeful that we will address their concerns through another bill before the cuts go into effect.

I am also deeply disappointed that Senate Republicans insisted on the removal of provisions providing coverage for the children of legal immigrants. Such discrimination based on immigrant status should have no place in a bill providing health care to children.

While work remains to be done, I also want to point out that under this bill we would preserve the coverage of more than 20,000 children in Hawai'i, and in addition 12,000 children in Hawai'i who currently are uninsured would gain coverage.

We would preserve coverage for the 6.6 million children nationwide currently covered by CHIP and extend coverage to an additional 3.8 million children who are eligible for coverage but not enrolled. Thus passing this bill would provide health care coverage for more than 10 million American children.

A new report by Families USA indicates that during a 2-year period almost 35 percent of Americans under age 65 lacked healthcare insurance. Hawai'i is better than average in this regard, but 29 percent of our state's residents under age 65 still lacked insurance at some point during the past 2 years.

I support providing all Americans with high quality, affordable health care, and I hope that Congress will continue to move in that direction. But until we reach that goal, we should take steps that help our most vulnerable populations, including low-income children. This is precisely the group that CHIP will help, if we can get it reauthorized and signed into law.

I support CHIP because it is the compassionate, just, moral and the right thing to do. In fact, it is also highly cost-effective. It costs less than $3.50 a day to cover a child through CHIP. It would be far more expensive for taxpayers to leave these children uninsured and having to pick up the tab for indigent care in emergency rooms.

I urge my colleagues to vote for this bill.

Ms. WOOLSEY. Mr. Speaker, I rise in support of H.R. 976, the Children's Health and Medicare Protection Act. While the bill is not as strong as the House passed version, it has several good provisions that deserve our support. This bill invests $35 billion in our children, providing health insurance for an additional four million children and bringing the total number of children covered by SCHIP to ten million. This bill will also help states provide millions of children with the dental and mental health services they so desperately need.

While this is a very good bill, it is not perfect and I hope it will serve as a starting point in a larger conversation about how we find a way to ensure coverage for everyone, but particularly for children and low income seniors, the most vulnerable amongst us. I look forward to working with my colleagues in the House and Senate to come to an agreement on how to increase coverage to the level the House bill provided. Additionally, I would like to join my colleagues in covering legal immigrant children and pregnant women, which the House bill ensured. Finally, I hope that the House and Senate will agree upon a strong Medicare bill that rolls back payment cuts and addresses payments based solely upon where a physician practices. This has made it incredibly difficult for physicians in Sonoma County to continue to see Medicare patients. The House bill addressed the geographic inequity and is a great starting point for a conversation about how to address this serious issue.

Additionally, as the Chairwoman of the House Subcommittee on Workforce Protections, I am proud to support the language in this bill that will provide military families with the protections they need in the workplace. For the first time since Congress passed the Family and Medical Leave Act (FMLA) fourteen years ago, this bill will amend FMLA to provide the spouse, child, parent, and closest blood relative of an injured service member with six months of unpaid, job protected leave to care for their injured loved ones. Congressman GEORGE MILLER and I worked closely with Senators CHRISTOPHER DODD and HILLARY RODHAM CLINTON to ensure that the provisions of H.R. 3481, the Support for Injured Servicemembers Act, were included as part of the final compromise reached between the House and Senate, and I commend the Democratic Leadership for their strong support for our Nation's wounded warriors and their families. Military families should never have to risk losing their jobs in order to meet the needs of their loved ones, and with this bill, we are one step closer to fulfilling our promise to them.

Passing this bill will mean a real investment for our children and I hope that we consider it a starting point for a conversation about covering every child.

Ms. SCHAKOWSKY. Mr. Speaker, I want to start by thanking Chairman DINGELL as well as the Democratic leadership for working so hard to bring the Children's Health Insurance Program reauthorization bill before us today. H.R. 976 is not a compromise that was easily come by, and it's important to recognize the hard work that has gone into it.

Let's be clear, today each of us is either voting for providing healthcare to more uninsured children, or voting against covering more uninsured kids.

This bill is not the bill that I would have written, nor is it as good as the bill that passed the House. But it will cover the 6.6 million children currently covered by CHIP and will reach an additional 4 million kids. It also provides children with dental coverage and finally puts mental health services on par with other medical benefits covered under the program. This bill will also improve quality improvement, outreach, and enrollment efforts under CHIP, and will target those most in need. It is a good bill that we think will get to the President's desk. Thus, I think the commitment this bill makes to our children should be celebrated.

Yet, we need to push further and pass several provisions that were in the house bill, including meaningful improvements in access to basic health services, including granting access to our legal immigrant children, more affordable prescription drug costs and benefits for senior citizens and people with disabilities, and adequate reimbursements for physicians that provide critical care to the Medicare population.

Incredibly, President Bush has pledged to veto this compromise, bipartisan, bicameral measure. The President and the Congressional Republican leadership say that we cannot afford it. We can't afford to cover children, but we can afford the war in Iraq. The bill to provide health care to children will cost $35 billion over the next 5 years—but we will spend over $50 billion in the next 5 months in Iraq.

While this bill could have been so much more to so many of our constituents, it does

bring us a necessary, moderate expansion of the Children's Health Insurance Program and I urge my colleagues to support it.

Mr. MARKEY. Mr. Speaker, I rise today in strong support of this compromise legislation which will provide healthcare for 10 million low-income American children.

This bill will give 4 million currently uninsured children a healthy start in life.

Yet in a confirmation of the White House's pitiless priorities, President Bush is threatening to veto this bill if we spend any more than $5 billion dollars over 5 years to help poor American children get health care.

This year alone, the President requested 40 times that amount—$200 billion dollars—for the wars in Iraq and Afghanistan, yet he has threatened to veto SCHIP on the basis that it spends too much money on American children.

The President constantly chooses Corporations over Children, spending billions on tax cuts for millionaires and subsidies for his friends in big oil without batting an eyelash. But when it comes to giving our country's poor children health care, he can't find the heart to come up with the money.

Today's debate is a major moment in the history of health care, and a veto will place the President firmly on the wrong side of history.

By vetoing this bill, President Bush will expose himself as a Compassionless Conservative.

By vetoing SCHIP, the President will dash hopes of millions of working families who dreamed that they would be able to provide health care for their sick children.

I urge you to stand with those working families and help their children get the health care they need. Vote yes on this critical legislation.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this bill.

Dr. Martin Luther King, Jr. said "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." H.R. 976 does not end health care inequality, but it will provide continued coverage for children not covered by Medicare but whose parents cannot afford to buy insurance and whose employers do not provide it.

These children—currently 6 million of them—are now eligible for coverage under the Children's Health Insurance Program (CHIP)—but that program is set to expire at the end of this month. If Congress does not act, these six million will no longer have access to quality, affordable health insurance. This bill responds to that urgent need.

This legislation would assure continued coverage for those now enrolled and would provide coverage for an additional four million children who currently qualify, but who are not yet enrolled under CHIP.

I believe that health care should be a right, not a privilege, and this act is a step in the right direction toward that goal. So, I will support it although I wish it went further.

Despite claims by some, this bill does not change the basic nature of the CHIP program. Instead, it maintains current eligibility requirements for CHIP. The majority of uninsured children are currently eligible for coverage—but better outreach and adequate funding are needed to identify and enroll them. This bill gives states the tools and incentives necessary to reach millions of uninsured children who are eligible for, but not enrolled in, the program.

Earlier this year, I vote for the "CHAMP" bill to extend CHIP. The House of Representatives passed that bill, and I had hoped the Senate would follow suit. It would have increased funding for the CHIP program to $50 million, instead of the lesser amount provided by this bill. The CHAMP bill would have also addressed major health care issues, first by protecting traditional Medicare and second by addressing the catastrophic 10 percent payment cuts to physicians who serve Medicare patients.

However, the bill before us represents a compromise between the House and the Senate and deserves support today. It will pay for continued CHIP coverage by raising the federal tax by $0.61 per pack of cigarettes and similar amounts on other tobacco products. According to the American Cancer Society, this means that youth smoking will be reduced by seven percent while overall smoking will be reduced by four percent, with the potential that 900,000 lives will be saved.

H.R. 976 has the support of the American Medical Association, American Association of Retired Persons, Catholic Health Association, Healthcare Leadership Council, National Association of Children's Hospitals, American Nurses Association, US Conference of Mayors, NAACP, American Cancer Society Cancer Action Network, and United Way of America.

I am proud to vote for this bill that seeks to protect those that are most vulnerable in our society by increasing health insurance coverage for low-income children. I hope that we have the opportunity to take up the other important Medicare issues addressed in the CHAMP bill soon.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of H.R. 976, which extends and expands the State Children's Health Insurance Program (SCHIP).

We have a moral obligation to cover all our children so every child in America can grow up healthy. It's the right thing to do; it's also the cost-effective thing to do.

The great Minnesotan Hubert H. Humphrey once said that a key moral test of government is how we treat those who are in the dawn of life, the children. We must not flunk this moral test!

My home state of Minnesota started covering children through its medical assistance program even before SCHIP was created, but we still have far too many children without coverage—73,000 kids.

That's why I strongly support extending and expanding SCHIP. I also hope we can work together to provide greater access to private insurance coverage for America's children and other uninsured Americans.

This SCHIP legislation also avoids cutting any of the payments to Medicare Advantage and other critical programs, as it is financed primarily by a cigarette tax increase. So this bill will cover our children without cutting benefits for our seniors.

I urge my colleagues to support this bill. With an expiration of this crucial program looming on September 30, we cannot afford to wait any longer. It's time to break down the barriers to health care for our kids. It's time to reauthorize SCHIP. It's time that all kids have a chance to grow up healthy.

Like the U.S. Senate, we should pass this SCHIP reauthorization with a strong bipartisan vote.

Let's put children's health first and do the right thing. Let's pass this reauthorization of SCHIP and reduce the number of uninsured children by at least 70 percent.

There is no better investment than to invest in the health and well-being of America's children.

Mr. BACA. Mr. Speaker, I ask unanimous consent to revise and extend my remarks. I support the Children's Health Insurance Program Act.

It's a shame that we live in the richest country of the world, yet 3.8 million children are uninsured. 33,000 of these children are in my District.

This bill is not about politics, it's about helping hardworking families and the poorest among us.

Leaving children uninsured is unacceptable. With health care costs going up, working families are on the edge. Expanding coverage is the only solution.

I am disappointed that this bill does not cover pregnant women and children who are legal permanent residents. This is a health care issue, not an immigration issue.

A simple pre-natal exam can detect future complications and prevent costly visits to the emergency room. This would save tax payers millions of dollars in the end.

No mother who is working here legally and paying taxes should have to choose between buying baby formula and taking her infant to the doctor.

No child should die from a sore throat or be denied access to lifesaving treatments. It costs less than $3.50 a day to cover a child through SCHIP.

This is not the time to play politics, our children must come first. I urge my colleagues to support this bill.

Mr. WELDON of Florida. Mr. Speaker, I rise as a supporter of the State Children Health Insurance Program (SCHIP), which focuses on covering children in families at or below 200 percent of the poverty level ($41,000 per year). I have voted to extend this program and to provide additional resources to ensure that those living in families below 200 percent of the poverty level ($41,000) have access to affordable health insurance through the SCHIP program.

What I cannot support is the Democrat's SCHIP bill, because their bill: 1. Fails to place a priority on first enrolling uninsured children in households earning less than $41,000 per year (200 percent of the federal poverty level); 2. Expands government subsidies to those making nearly $80,000 per year; 3. Spends half of the additional SCHIP dollars to enroll children in the government SCHIP program who were otherwise enrolled in private insurance; and 4. Virtually eliminates all funding for SCHIP beyond 2012 because they have no way to sustain funding for SCHIP beyond that date.

It is fiscally irresponsible to expand this program by enticing millions of children in families earning as much as $82,000 per year to drop private coverage and enroll in the SCHIP program that cannot be sustained. In August, House Democrat leaders forced an earlier version of SCHIP through the House that cut over $150 billion from Medicare and moved that money into SCHIP so that they would have a way to pay for millions of new SCHIP enrollees over the next ten years, including millions of currently insured children from middle and upper middle class families.

Their plan to cut Medicare was rejected not only by Republicans, but by the U.S. Senate,

and most importantly by the public at large. But now the bill before us is simply a bait and switch. They have brought a bill before us today that nearly triples the size of SCHIP over the next five years—including enrolling millions of children currently ensured by private plans—only this time they have chosen to hide from the public how they plan to pay for the program for the next ten years. They ramp up the annual budget of SCHIP to nearly $14 billion a year, and then they simply leave it to a future Congress to find a way to continue paying for the massively expanded SCHIP program. It turns out that their nearly tripling of the federal cigarette taxes still leaves them tens of billions of dollars short. Americans should be on notice that in 2012 the Democrats will ask for another $180 billion to continue SCHIP for another ten years.

Particularly troubling is that by significantly expanding SCHIP enrollment eligibility those in families making upwards of $80,000 per year, the Congressional Budget Office (CBO) estimates that millions of new SCHIP enrollees will be children that move from private coverage to the SCHIP program. By moving children from private insurance onto the government program, this bill essentially enrolls five uninsured children for the price of ten. Enticing millions of children to drop private coverage and sign up for SCHIP is short-sighted and fiscally irresponsible, particularly given that it goes bankrupt in 2012.

What we should be doing is focusing this program on enrolling uninsured children in households earning less than $41,000 per year. Mr. Chairman, our children and the American taxpayers deserve better that what the Democrat leadership has put before us today.

In February of this year, states that had overspent their SCHIP funding grants came to Congress begging for more money to ''insure uninsured poor children.'' The root problem in many of these states was the fact that they had use their federal grant to enroll children in the SCHIP program who were neither poor nor uninsured. New Jersey, for example had used their grant to enroll children in families with incomes of more than $72,000, even though there were and still are over 150,000 children in New Jersey in households earning less than $41,000 who are uninsured.

I offered an amendment in February that would have refocus SCHIP to make sure that children in families under 200 percent of the poverty level were covered first. My amendment was rejected by the liberal majority on the Committee, who stated that they had no intent to refocus SCHIP on lower income children. Rather, they planned to continue expanding the program to those well above the poverty level—to include adults and illegal immigrants—as a step toward universal government-run health care. In today's Washington Post, liberal columnist E.J. Dionne Jr., removes any doubt of this goal by writing: ''This battle [over SCHIP] is central to the long-term goal of universal coverage.''

While the press releases about today's bill focus on uninsured low-income children, the language in the bill is about much more than uninsured low-income children. If the bill before us was focused on low-income uninsured children, I would be voting for it. The bill before us does the opposite. It repeals recent rules requiring states to ensure that at least 95 percent of those under 200 percent of the poverty level are insured under their state SCHIP programs. Democrats leaders in Congress have responded to the rule by arguing that there is no way to ensure a 95 percent enrollment rate of uninsured children in households earning less than $41,000 per year. They argue that since they cannot achieve the goal we should simply expand the program to those in households earning more than $80,000 or more a year.

They use budget gimmicks to say that their bill is balance and paid for through higher cigarette taxes. The Heritage Foundation has estimated that the amount of money Democrats estimate they will raise from higher cigarette taxes comes up billions of dollars short and that over the next 10 years they will have to find 22 million new smokers to bring in the amount of cigarette tax revenue they hope to raise. (It is also noteworthy that lower-income Americans pay a higher percentage of cigarette taxes, but it is middle-income Americans that will receive most of the expanded SCHIP benefits under this bill.)

I am also concerned over provisions included in the bill that repeal the requirement that individuals must prove citizenship in order to enroll in Medicaid and SCHIP. This opens the program to fraud and the enrollment of illegal immigrants. In 2006, the Inspector General (IG) of the Department of Health and Human Services found that 46 states allowed anyone seeking Medicaid or SCHIP to simply state they were citizens. The IG found that 27 states never sought to verify that enrollees were indeed citizens. The Congressional Budget Office (CBO) estimates that repealing this requirement will cost $1.9 billion.

And finally from a Florida perspective, Florida taxpayers come up short. Florida taxpayer will send $700 million more to Washington than we will receive back in SCHIP allocations. Where will Florida taxpayer dollars end up going? Residents of California, New York, Texas, New Mexico, Arizona and New Jersey will be the biggest recipients of Florida tax dollars. Yet, Florida has a higher rate of uninsured children that several of these.

Florida voters will also be asked to foot part of the bill for a $1.2 billion earmark inserted into the 300–page bill at the last minute by the powerful chairman of the committee for his home state of Michigan.

Mr. BARTON of Texas. Mr. Speaker, here we are again.

Once again, we are being forced by the Democratic Leadership of the House to vote on a bill of vital importance to millions of our constituents without the ability to actually analyze its contents.

Once again, Mr. Speaker, we are being forced by the Democratic Leadership to vote less than 24 hours after they introduced a bill that is hundreds of pages long and spends hundreds of billions of the taxpayers' dollars.

Once again, Mr. Speaker, we are being forced to vote on a bill that was concocted in secret and unveiled in the middle of the night.

When this sort of thing happens, everybody wonders what the Majority is trying to hide, and why they need to hide anything.

I truly hope that the Democratic Leadership does not expect me to vote in favor of a 299-page bill that Republicans saw for the first time at 6:36 p.m. yesterday evening. I believe in faith, but not in blind faith.

I challenge the supporters of this bill to come to the floor of this House, look people in the eye, and say that they understand all of the provisions that are actually in this bill. Because I have some questions for you.

Mr. Speaker, it would be a compliment to say that the so-called process which produced this bill is an abuse of our democratic system of government. It was so much worse than garden-variety abuse. It was a travesty and an abomination, and it was pathetic. Yet, I'm sure that some will show up here with a handful of talking points from the staff who actually wrote this legislation, and explain to us that it is not a pathetic abomination, but a wondrous triumph of bipartisanship.

I challenge any Member that would claim that this bill is bipartisan to give me the name of one Republican in the entire House of Representatives who directly participated in these discussions. Name just one.

I know that the authors of this bill certainly did not consult with either Mr. DEAL or myself; I know that they have not included any Members of the Republican Leadership in the House; and I'm not aware of a single Republican Member of the Energy and Commerce Committee or the Ways and Means Committee being invited to participate in this process.

Now we have not had time to analyze this product that the Democrats are going to bring to the floor today but the Congressional Budget Office has. Yesterday at the Rules Committee, it was stated that this bill would put 4.4 million new people on to SCHIP. However, according to the CBO close to a million of those children were already enrolled in Medicaid and over 1.5 million of those newly enrolled in SCHIP were already enrolled in private coverage.

It was also stated last night at the Rules Committee that this bill does not expand eligibility under SCHIP. If that is the case then why does the CBO estimate 1.2 million of the newly enrolled people in SCHIP come from expanding the populations that are eligible for the program? Now those comments last night could have been misstatements because people just really do not know what is in this bill. It is difficult to know what is in a bill that no one has seen.

Mr. Speaker, I wonder if someone can explain to me why the Democratic Leadership has decided to wait until just days before SCHIP expires to bring their reauthorization to the House floor. We have known for well over 10 years that the current SCHIP authorization would expire on September 30, 2007, and the Democratic Leadership in the House and the Senate have known since early November that they would be in charge of actually producing a bill to reauthorize this vital health care program for low-income, uninsured children. Yet, here they are, a full 10 months later, jamming a bill through the House with fewer than three legislative days before the entire program expires and children's health care stops.

Well, Mr. Speaker, I was not sent here by the 6th District of Texas to be quiet and do what the gentle lady from San Francisco instructs me to do. I was sent here to represent my constituents' best interests and I demand the ability to do what I have sworn to do.

We all know that the President has promised to veto this version of the bill, so why are we wasting precious time on a bill that we all know doesn't stand a chance of ever becoming law?

While we are down here on the floor participating in this Theatre of the Absurd, the

Democratic Leadership is in the back rooms trying to figure how they will extend the SCHIP program for another 6 months or a year. We all know this to be a fact, but I guess the Democrats want to pick a fight with the president so they can pretend that he is against children, and only then will they permit everybody to do the right thing and extend SCHIP.

Mr. Speaker, I'm sorry it's come to this. The pettiness of this transparent political strategy to damage and weaken the president is a new low. I regret that the state of political strategy has come to this.

I'd hoped that we would not engage in this game, and it's still not too late to stop it. We could start debating how to best extend the SCHIP program so that we can actually do the job people sent us here to do. We still have a chance to write a responsible, long-term reauthorization of the SCHIP program. Now, it's true that writing a solid, bipartisan bill will not give the president a black eye, but that's the price that Democrats will have to pay. Given that millions of needy children are depending on us, it doesn't seem like a big price.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the bipartisan, bicameral Children's Health Insurance Program (CHIP) Reauthorization Act of 2007.

The CHIP Reauthorization Act will reauthorize and improve the very successful Children's Health Insurance Program, CHIP, for 5 years. This bipartisan bill will preserve coverage for the 6 million children currently enrolled who otherwise would have no access to health insurance while, according to the non-partisan Congressional Budget Office (CBO), extending coverage to 3.8 million children who are not enrolled in the program. By reauthorizing this very important program, we will strengthen CHIP's financing, improve the quality of health care children receive, and increase health insurance coverage for low-income children.

I am pleased that this bill maintains the guaranteed dental coverage and mental health parity provisions that were in the CHAMP Act. Good oral health care is important to the overall health of children. No family should have to suffer the loss of a child because they lack the access to care, as happened in the tragic case of Deamonte Driver, a 12-year-old Marylander who died earlier this year when an infection from an untreated abscessed tooth spread to his brain.

This legislation increases the tobacco tax by 61 cents to a total of one dollar. Increasing the tobacco tax will save billions in health costs and is one of the most effective ways to reduce tobacco use, especially among young children. The 2000 U.S. Surgeon General's report found that increasing the price of tobacco products will decrease the prevalence of tobacco use, particularly among kids and young adults. In short, raising the tobacco tax will prevent thousands of children from starting to smoke and the proceeds of the tax will be used to provide health coverage for children. That is a win-win result.

The President has said that he will veto this bipartisan bill. Not so long ago in a September 2004 speech, he promised to expand coverage of CHIP to include eligible children who are not yet enrolled in the program.

Now the President has reversed course. In his July 2007 speech in Cleveland, Ohio, he forgot his 2004 pledge and stated, ''I mean, people have access to health care in America. After all, you just go to an emergency room.'' I am disappointed that he will wield his veto pen on such promising legislation. I hope he will reconsider his position and help Congress provide health insurance to millions of America's children.

Mr. Speaker, I urge my colleagues to vote for this much needed bipartisan legislation.

Mr. HONDA. Mr. Speaker, I rise today in support of the Children's Health Insurance Program Reauthorization Act of 2007 and to express my dismay over one particular matter not addressed by today's conference agreement.

Since its creation in 1997, the CHIP's flexibility, in combination with existing Medicaid programs, has proven highly effective in reducing the number of children who are uninsured in the United States. The bill before us today will invest $35 billion in the program over the next 5 years, ensuring that 6.6 million children currently enrolled will continue to have a health program and allowing for the growth in the program predicted over the next 10 years.

I am glad that the bill will allow California and other innovative states to continue to cover families—the health of children is inextricably entwined with that of the family as a whole. I am especially pleased that this bill includes full dental coverage and mental health parity, recognizing that physical health care is only one part of effective health coverage.

Despite the desperately needed reforms contained in this legislation, I am deeply disappointed that the conferees did not include language from the House-passed Children's Health and Medicare Protection, CHAMP, Act that would have given states the option of choosing to waive the five year waiting period for Medicaid and CHIP imposed on pregnant women and children who are legally present in the United States. It is unconscionable that Congress will make pregnant women and innocent children pawns in a raucous and frequently misleading immigration debate. I was proud that the House included language that would allow states to make their own decision on this matter and I am saddened that Congress bowed to reactionary anti-immigrant voices on this particular matter and excluded it from this conference agreement.

Despite my concern, I support this legislation, as I believe that it is too important to allow to lapse. I hope that House leadership will take note of my and others' concerns about the denial of coverage to legally present, otherwise eligible, immigrant children and pregnant women and will work with us to bring this matter to resolution in as swift a manner as possible.

I am glad that the Democratic and Republican leadership have been so active in ensuring that we get this bill to the President before the program expires on September 30th, 2007. With passage of this bill, the health of millions of American children will depend on the stroke of the President's pen. I am sure that I express the sentiments of millions of Americans when I say that I hope the President will make the morally correct choice not to veto healthcare for children when this agreement reaches his desk.

Mr. LEVIN. Mr. Speaker, I rise in strong support of the State Children's Health Insurance Reauthorization Act of 2007. This legislation renews and strengthens a program that provides health insurance to children whose families cannot afford it on the private market.

The legislation we are voting on today will extend children's health insurance to enroll almost 4 million kids that are currently eligible for the program and not yet enrolled. That's in addition to the 6 million low-income children already receiving health care under the SCHIP program nationwide, including 55,000 kids in my home state of Michigan.

I regret that many of the provisions the House included this summer did not make it into the compromise bill. I'm hopeful that we will work with the Senate to approve legislation before the year's end in order to ensure Medicare beneficiary access to physicians and stop the further erosion of Medicare solvency. Nonetheless, I support this legislation and urge my colleagues to vote in support of the compromise bill.

Providing health care for children should not be a partisan issue. The legislation has the support of a large majority of state governors, Republicans and Democrats alike. The bill has broad bipartisan support in the Senate; unfortunately, most of the Republican minority in the House has failed to join us in crafting this compromise and the President has threatened to veto this important legislation. So it comes down to this: Clearly, a majority of the House will vote for the SCHIP bill today; the only real question is whether the House will pass this bill with enough votes to discourage a Presidential veto. Do we stand with the President or with kids who need health care coverage?

Instead of working with Congress to expand health care coverage for children, the President's proposal would actually cause 840,000 kids that are currently covered under SCHIP to lose their benefits, not to mention leave hanging the 4 million children that Congress' bill would bring into the program.

The American people want the children of America covered by health insurance. A bipartisan majority of House and Senate Members are committed to carrying this out. The question remains as to whether or not the Bush Administration will get on board.

Mr. DINGELL. Mr. Speaker, I insert these remarks into the RECORD in response to some unfortunate remarks made on the House floor regarding a provision in the Children's Health Insurance Program Reauthorization Act, H.R. 976. A statement was made suggesting that a certain provision had been inserted in the bill to solely benefit my home State of Michigan, a statement that could not be further from the truth. The provision for which this accusation was made in reality would ensure that all States would not be penalized due to factors in Medicaid funding that are beyond their control.

The Medicaid Federal Medical Assistance Percentage, FMAP, is the formula used to calculate the amount of Federal funding distributed to States to offset Medicaid expenses. The Federal Government's share of a State's Medicaid funding is based on the State's per capita income. Put simply, States with lower per capita incomes receive more Federal Medicaid funding; States with higher per capita incomes receive lower Federal Medicaid funding.

Due to recent changes to accounting rules, the current FMAP formula needs to be updated. Accounting rules that require employers to pre-fund employee pension and insurance funds may cause a State's per capita income to be calculated far higher than it really is. To

comply with the rules, employers may occasionally have to make large transfers to a pension or insurance fund. This money is counted in the calculation of a State's per capita income in the year of the transfer, even though it may not be paid out for years. When this occurs, a State then appears wealthier than it is, causing the State to lose Medicaid funding.

The FMAP adjustment included in the CHIP Reauthorization Act corrects this unfair penalty. It simply ensures that when an employer makes a significantly disproportionate pension or insurance contribution, the State is not denied much-needed Medicaid funding.

This adjustment provision is not limited to any single State. In fact it now applies to three States, Michigan, Indiana and Ohio. It may well be that many more States will have cause to complain about this soon, unless it is corrected. It would apply to any State in any instance where there is a significantly disproportionate employer pension or insurance fund contribution that exceeds 25 percent of a State's increase in personal income for a year.

□ 2030

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 675, the previous question is ordered.

The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on agreeing to the motion will be followed by a 5-minute vote on suspending the rules and agreeing to House Resolution 590.

The vote was taken by electronic device, and there were—yeas 265, nays 159, answered ''present'' 1, not voting 8, as follows:

[Roll No. 906]

YEAS—265

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Farr
Fattah
Ferguson
Filner
Fossella
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
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
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—159

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boren
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castor
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Etheridge
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hill
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)

ANSWERED ''PRESENT''—1

Watson

NOT VOTING—8

Carson
Cubin
Davis, Jo Ann
Delahunt
Herger
Jindal
Johnson, E. B.
Poe

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to cast their votes.

□ 2053

Messrs. PASTOR, ORTIZ, GRIJALVA, GUTIERREZ and MEEK of Florida changed their vote from ''nay'' to ''yea.''

Mr. REYES and Mrs. NAPOLITANO changed their vote from ''present'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3375. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 590, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER. The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and agree to the resolution, H. Res. 590, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 37, as follows:

[Roll No. 907]

YEAS—395

Abercrombie
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
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
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
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
Hastings (FL)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
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
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—37

Ackerman
Alexander
Berkley
Berman
Brown-Waite, Ginny
Cardoza
Carson
Clay
Cooper
Cramer
Cubin
Davis, Jo Ann
Delahunt
Dicks
Frank (MA)
Hastert
Hastings (WA)
Herger
Hooley
Jindal
Johnson, E. B.
Matsui
McDermott
Meeks (NY)
Miller, George
Moran (VA)
Murtha
Poe
Radanovich
Rangel
Roybal-Allard
Scott (VA)
Stark
Van Hollen
Watson
Weldon (FL)
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to cast their votes.

□ 2102

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING FATHER ROBERT BOND ON HIS 75TH BIRTHDAY

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

Ms. FOXX. Mr. Speaker, I rise today in honor of the 75th birthday of my friend and family's former priest, Father Robert Bond. Father Bob, as his parishioners call him, is a retired priest of the Glenmary Home Missioners with a legacy of loving compassion not only for his church but for the unchurched and the less fortunate.

Father Bond currently lives in Micaville, North Carolina, but he previously served in many places including Boone, North Carolina, where he served the flock at St. Elizabeth's Catholic Church for 4 years. During his time at St. Elizabeth's, Father Bond typified the church's call to reach out to those in need and share the love of Christ. He was truly ahead of his time in his faithful efforts to bring the power of God's love to those who might never darken the door of a church.

Perhaps the most significant contribution he made to the community of Boone was his vision for Camp Dogwood in Valle Crucis, North Carolina. Camp Dogwood was a ministry that Father Bond ran for disadvantaged youth. On the power of his vision and the work of many volunteers, Camp Dogwood brightened the days and brought hope to the lives of many underprivileged children in North Carolina. He practiced the ''No Child Left Behind'' concept long before it was a national slogan.

Father Bond's 75th birthday provides a reason to celebrate a life marked by compassion and Christian witness. I wish him many more years of faithful service.

THE NEEDS OF CHILDREN IN AMERICA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thought I would reflect this evening on the needs of our children in America. Today we just debated a legislative initiative to attempt to respond to the health care needs of our children. The good news was the House bill understood that money was the answer to the uninsured children, $50 billion. We didn't quite get there. But I am committed to coming back so that all children can be insured, legal immigrants who have a right to be here and are documented, their children can be insured. But we have to fight this battle. My question to the President is: Do you care?

And then I want to say to this Congress, another young man is languishing in a jail in Jena, Louisiana. It is time to free Mychel Bell, someone who was inappropriately charged as an adult. He is representing thousands of young people wrongly prosecuted, minority young people, who have not been able to find justice.

So to this Congress, help us free Mychel Bell and the Jena 6. Enough is enough.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PERLMUTTER). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE CONSTITUTIONAL WAR POWERS RESOLUTION OF 2007

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, questions of when and how American military forces should be used have become increasingly complex in the 21st century. Threats to international peace and security continue

to evolve. Today the notion of national self-defense has come to include preemptive or preventive military action against those who are perceived to be a threat. A war on terrorism in which the enemy may not always be a specific nation-state has become the primary defense concerns of the United States.

The War Powers Resolution of 1973 was intended to clarify the intent of the constitutional framers and ensure that Congress and the President share in the decision-making process in the event of armed conflict.

Yet, since the enactment of the Resolution, presidents have consistently maintained that the consultation, reporting and congressional authorization requirements of the Resolution are unconstitutional obstacles to executive authority.

Mr. Speaker, the Constitution divides war powers between the legislative and executive branches. Our Constitution states that while the Commander in Chief has the power to conduct war, only Congress has the power to authorize war. Too many times this Congress has abdicated its constitutional duty and allowed Presidents to overstep their constitutional authority.

As James Madison said, and I quote, ''In no part of the Constitution is more wisdom to be found than in the clause which confides the question of war or peace to the legislature and not to the executive department.''

Mr. Speaker, it is time for Congress to meet its constitutional responsibility. The framers sought to decentralize the war powers of the United States and construct a balance between the political branches. Because this balance has been both respected and ignored throughout American history, I have today introduced legislation, H.J. Resolution 53, the Constitutional War Powers Resolution that seeks to establish a clear and national policy for today's post-9/11 world. This resolution is a result of the dedicated work of the Constitutional Project and its War Powers Initiative.

The Constitutional War Powers Resolution improves upon the War Powers Resolution of 1973 in a number of ways. It clearly spells out the powers that the Congress and the President must exercise collectively, as well as the defensive measures that the Commander in Chief may exercise without congressional approval. It also provides a more robust reporting requirement to enable Congress to be more informed and to have great oversight.

By more fully clarifying the war powers of the President and the Congress, the Constitutional War Powers Resolution rededicates Congress to its primary constitutional role of deciding when to use force abroad. This resolution protects and preserves the checks and balances that framers intended in the decision to bring our Nation into war.

Mr. Speaker, I hope many of my colleagues will consider cosponsoring this legislation. I ask the good Lord in heaven to please bless our men and women in uniform and to continue to bless America.

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

CHIP REAUTHORIZATION AND DENTAL HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise tonight to express my appreciation to Speaker PELOSI, Chairman DINGELL and our entire Congress which has passed a bipartisan, bicameral agreement to reauthorize the Children's Health Insurance Program for an additional 5 years.

While I would have preferred a bill with more funding to cover additional children, I am pleased that the $35 billion increase agreed to by House and Senate negotiators will bring health coverage to approximately 10 million children in need, preserving coverage for the 6.6 million who are currently enrolled in a program, while reaching many others who are eligible but not enrolled.

I am especially pleased that the agreement ensures quality dental coverage for all children enrolled in CHIP. This provision became a major initiative for me following the tragic death of a 12-year-old Maryland boy named Deamonte Driver.

Mr. Speaker, Deamonte died February of this year when an untreated tooth infection spread to his brain. Eighty dollars worth of dental care might have saved his life, but Deamonte was poor and homeless. He did not have access to a dentist. Deamonte Driver's case was rare and extreme, but he was by no means alone in his suffering.

According to the Centers for Disease Control and Prevention, dental decay is the second most common chronic childhood disease in this country. And it is preventable. Few public health challenges of this magnitude are so easy to address. We are faced with this problem because we have systematically failed to provide children with the care they need.

Approximately 9 million children are uninsured in this country, but more than twice that amount, 20 million, are without dental insurance. That is why I am so glad that we will not only ensure the health coverage of 10 million children, but ensure that they have access to dental care as well.

Those of us in the Maryland delegation stood up in support of this vitally important initiative; and in a Congress-wide push, we were joined by 60 of our colleagues. On this issue, Democrats and Republicans from both Chambers have put aside differences to draft critically important legislation that will help American children. Unfortunately, we have received nothing but push-back from the administration.

In an arrogant attempt to interfere with the business of Congress, the Centers for Medicare and Medicaid Services sent a letter to States on August 17 that has the potential of drastically limiting some States' ability to implement CHIP. H.R. 976 clarifies States' ability to implement the law, and it also addresses the President's concern that CHIP would not go to cover the Nation's poorest children. On this point, let me be clear: this legislation provides health insurance coverage to poor children, children who were already eligible for the benefit but were not enrolled.

President Bush is playing politics with our children's health by threatening to veto the bipartisan CHIP reauthorization and deny 10 million low-income kids the health care they need and deserve. The President has instead expressed support for his own CHIP proposal, which will result in 84,000 low-income children losing their health care coverage, according to the Congressional Budget Office.

Again, Mr. Speaker, I am pleased that my colleagues sent a strong message to the President by voting in favor of the bicameral CHIP reauthorization.

□ 2115

CONFLICT IN BURMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, tomorrow the Foreign Affairs Committee will mark up legislation dealing with the tumultuous events now taking place in Burma. I am an original cosponsor, and I would ask my colleagues to support the bill.

Mr. Speaker, we may be witnessing an historic event taking place in Burma. Religious leaders are bravely confronting a violent, brutal military dictatorship. The people of Burma are telling the generals who have oppressed them and looted their country for decades to peacefully step aside and let a democratically elected government rule the nation.

Nobel Prize winner Aung San Suu Kyi and her National League for Democracy overwhelmingly won elections back in 1990, but corrupt and brutal generals betrayed their people. They ignored the election results.

The SLORC, which is what the Burmese military regime called itself, then commenced to murder, torture and imprison anyone who would oppose their tyranny. Further, they have plundered Burma's vast natural resources, with the help of their Chinese masters and other foreign looters.

Now, at long last, the people of Burma have a chance. This is their moment. I urge all Burmese soldiers: do not kill your own people to further the greed and corruption of those who have sold out your country to the Chinese.

You are not a vassal state of Beijing. It is your country. Those demonstrating for democracy are your brothers and sisters and your family. Do not turn your weapons on them.

I warn the Burmese military officers: if you slaughter the monks and those calling for democracy, when your regime falls, and it will fall, you will be pursued to every corner of the globe and hunted down like the Nazi criminals before you.

The bamboo ramparts of tyranny are coming down. The American people and free people everywhere are with the brave souls in Burma who are seeking to free themselves from the gangsters who oppress them and steal their wealth.

To the people of Burma: you are not alone. Your cause is our cause. Have courage. We are with you.

END THE OCCUPATION OF IRAQ NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, 9 days ago, 11 innocent Iraqi civilian were killed in an incident involving American military contractors. The circumstances surrounding the tragedy are not clear, but what is clear is that not enough attention has been paid to civilian deaths in Iraq.

By the most conservative count, over 73,000 innocent Iraqi civilians have been killed since the occupation began. Just about everyone agrees that the real figure is much higher, since many deaths aren't even reported. But even if you accept the low 73,000 figure, you can see how catastrophic the occupation has been to Iraqi society.

The population of the United States is about 12 times greater than that of Iraq, so 73,000 Iraqi deaths are comparable to over 875,000 American deaths. That is more than the population of Cleveland and Kansas City combined, or Atlanta and Omaha combined. This 875,000 is more than the population of an entire congressional district.

I would also like to call my colleagues' attention to the article in The Washington Post this morning concerning civilian casualties in Iraq. The article points out that the Pentagon's official count of civilian casualties in Iraq shows an increase over the course of this year. This is in stark contrast to the charts that General Petraeus showed us in his testimony earlier this month, which only showed the narrower category of civilian deaths. This is further evidence, Mr. Speaker, that General Petraeus' testimony was part of an overall administration spin campaign to convince this Congress and the American people to keep their support for ''stay the course'' in Iraq.

Iraqi civilians are also suffering, because the violence has forced over 4 million of them to become refugees. The U.N. referred 11,000 refugee applicants to the United States for processing by the end of this fiscal year. In February, the United States promised to admit 7,000. Then that number was downgraded to 2,000. But, so far, only 1,035 refugees have been admitted, and the fiscal year expires in 5 days. This situation is like so many others we have seen during the occupation of Iraq. The administration makes big promises about what it can achieve, then retreats from its promises, and then fails to deliver altogether.

To make our refugee record even worse, the Government Accountability Office has reported that the number of condolence payments the United States Government pays to families of dead or injured Iraqi civilians plunged by 66 percent from the year 2005 to 2006. The condolence payments are, at most, $2,500, $2,500 per incident. Would any one of us consider $2,500 to be a condolence payment for the death of a beloved child or spouse? No, Mr. Speaker, we wouldn't.

This Congress will have failed America, both morally and politically, if we allow the occupation to continue and ignore the suffering of the innocent. We have only one real tool that we can use to end the occupation, the power of the purse. We must not appropriate another dime for the continuation of the occupation. Instead, we must fully fund the safe, orderly, and responsible withdrawal of our troops and the estimated 180,000 military contractors who constitute an even larger army than our 160,000 troops. This is what the American people sent us here to do, and we have a moral obligation to do it. We have an obligation to bring our troops home.

IMPROVING CHILDREN'S HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, within the past hour, the House voted to pass a bill on the Children's Health Insurance Program, a laudable program that all Members agree is important to help children with their health care needs.

Unfortunately, the debate was filled with much rhetoric, and it is important that we cut through all that rhetoric to understand that despite comments made, neither Republicans nor Democrats nor the White House nor anyone else dislikes children. We all want them to have the best health care they can get, and we will continue to work to make sure that happens. But as that bill was voted on on this floor with a threat of the White House to veto it, feeling it was not an appropriate bill, it appears that there may be enough votes to sustain that veto.

During the coming days or weeks as the Senate also looks at this bill and as it goes to the White House, Congress has a couple of choices. First of all, Congress may take this as an opportunity to gain political points, spending untold hundreds of thousands of dollars on campaign ads attacking each other, perhaps saying that each side doesn't care about children, perhaps trying to sway votes so that the veto is not sustained, accusing people of horrendous things which are not true. Or Congress can do what the American people expect us to do, and use this as an opportunity to make things even better.

Now, I believe there were a lot of good things in that bill, and I think all Members agree that there are important aspects about children's health insurance we need to support. But shouldn't we also use this as an opportunity to make things better?

There are elements in this bill that looked at some things to help with prevention, obesity, case management, health information technology, things that I have been talking about in this Chamber for the last 4 years as important things to help us save money. But let me review a few of these and say what we need to do and what we should be doing as Members of Congress to use this bill that will help several million children with their health care as a vehicle to find real change with health care. Instead of us continuing to come to this Chamber and debate how we are going to finance health care, we should be talking about how to fix health care.

The problem with health care is not just that the costs are too high and people can't afford them. The concern is that there is so much waste in our health care dollars that people cannot afford it, perhaps as much as $400 billion a year wasted on our health care system. If we are able to reduce that waste in health care, we can make health care more affordable, and we wouldn't have to be dealing with how do we find the money to fund children's health insurance or adult health insurance. By fixing the system, we could change that.

For example, health care-acquired infections this year will account for something like $50 billion in waste. This chart next to me indicates that just as of this evening, as of this evening there has been at least this many cases who have picked up infections in America, almost 1.5 million cases here, while some indications are that it may be much more than that. There have been some 66,000 deaths so far this year, one every 5 minutes, and so far spending, some $36 billion in health care-acquired infections which are preventable through hand washing, sterilized equipment, using clean procedures.

Health information technology, if we stop talking about it and work with hospitals to invoke it, can save $162 billion in reducing errors. If we do more with case management, we could reduce the big bulk of dollars spent on people who have chronic illnesses such as heart disease and other problems.

If we worked to reduce maternal smoking, we can reduce premature births, problems with low birth weights, asthma, respiratory distress symptoms, and so many other problems that infants experience, if we work to reduce maternal smoking.

Now, we have a choice here. We can continue to argue as a House over who has the better plan, the Republicans' or Democrats' plan; or we can really get together over these next several days and say we need to fix our broken health care system, not continue to finance it. We need a health care system that is focused on patients and not politics. We need a health care system that is focused on patient safety and patient quality and where patients can choose their doctors and hospitals.

I hope this is not a time that Americans will continue to see politicians beat their chest and say ''my plan is better''; ''no, my plan is better.'' I know if every few minutes a child or an adult is dying from an infection they picked up in a hospital, if we know the chronic illnesses they face continue to be so difficult to manage, and it is odd to me that Medicare and Medicaid will spend thousands of dollars to amputate the foot of someone who has severe diabetes, but won't spend $5 to have some nurse call that person and check up on them with care management, something is wrong and something is broken with that system.

If we really and truly care about children, as I believe we do, if we really and truly care about the health care of Americans, as I believe we all do, shouldn't we be focusing our time instead on how to fix the system and use the compassion in our hearts to roll up our sleeves and work together and stop this continued fighting for the sake of political points.

I believe that is what America wants, I believe that is what America needs, and I believe that is what they sent us here to take care of.

□ 2130

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BUSH ECONOMIC RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, the President says his policies are working to make the economy strong and that all Americans are benefiting. But evidence of a slowing economy is building, and anxiety over the state of the economy remains high.

The credit crunch, the worsening housing slump, market volatility and weak consumer confidence point to a gathering storm that could drag down the economy, taking thousands of American jobs with it.

Risks in the housing market and weak business investment point to the growing uncertainty of which way the economy is heading. We are facing a tsunami of defaults and foreclosures in the subprime market which could have broader implications for the overall economy.

RealtyTrac reported that foreclosures in August increased 36 percent since July and 115 percent since this time last year. Expectations are that the next 18 months will be even worse as many subprime loans reset to higher rates.

The ability of American consumers to keep spending may be flagging with the cooling housing market. Consumer spending has been propping up the economy, but high energy prices and a worsening housing slump could force consumers to cut back, putting the economy at even greater risk.

American families are understandably worried about the future because the economy is weakening even before many have shared in the gains from the economic growth we have seen so far.

Employee compensation has lagged far behind productivity in this recovery. Some workers are beginning to see some gains in their paychecks after inflation, but they still have a great deal of lost ground to make up. Median family income has actually fallen by nearly $1,000 since President Bush took office.

The divergence between the ''haves'' and the ''have nots'' in the Bush economy stands in marked contrast to the second term of the Clinton administration when real wage gains were strong up and down the wage ladder, to the wealthy, to the poor, to the middle class.

And our economic foundation is simply not on solid ground. The administration is responsible for the three largest budget deficits on record, including a $413 billion deficit in 2004. The gross Federal debt is now almost $9 trillion, or my colleagues listening tonight, each of us owes $29,000 per person. Every citizen in America owes $29,000 to the Federal debt.

Our current account deficit with the rest of the world, the broadest measure of our trade deficit, rose to a record smashing $856 billion in 2006, the largest ever in the history of our country. The amount of Federal debt owned by foreigners has more than doubled under President Bush, with Japan and China alone holding nearly half of our $2.2 trillion debt. We have become a Nation of debtors vulnerable to the economic and political decisions made half a world away.

Despite 4 years of economic expansion, job growth has been modest. Wages are barely keeping pace with inflation. Employer-provided health insurance coverage is declining, and private pensions are in jeopardy. These are the economic barometers that matter most to American families.

Democrats in Congress are taking action to restore a sense of economic security to the middle class and ensure long-term economic growth for our Nation. We started by presenting a realistic budget plan that adheres to PAYGO principles for bringing down the deficit but that does not shortchange our national defense or our citizens. We are not going to spend money we do not have.

Our priorities include providing health care for millions more uninsured children as we did tonight, adding 10 million uninsured children, providing coverage for them, making investments in veterans' benefits, and restoring crucial funding for first responders and local law enforcement.

In order to spur innovation that will keep America number one, Democrats will increase funding for cutting-edge research, invest more in math and science education, and make college more affordable.

We also have a plan to expand renewable energy and energy efficiency to reduce global warming and dependence on foreign oil.

And Democrats want to bring tax relief to those who need it most, by shielding 19 million middle-income American families from the alternative minimum tax.

Mr. Speaker, after 6 years of irresponsible policies, Democrats are working hard to get our economic house back in order.

CONGRATULATING TEMPLE EMANUEL ON 75TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to recognize the 75th anniversary of Temple Emanuel in Winston-Salem, North Carolina. Temple Emanuel is a Jewish reform congregation in Winston-Salem known for consistently reaching out beyond the Jewish community to embrace people from all walks of life.

Temple Emanuel is identified in the area as a community with a long history of actively engaging the issues that confront the people of Winston-Salem. Its example clearly illustrates how important the tradition of American religious communities' involvement in civic and community life is in an age of what often seems like increasing individual disengagement. I commend the members of Temple Emanuel for their faithful example of outreach and investment in others.

This ethic is embodied in the leadership of Rabbi Mark Strauss-Cohn. His commitment to service and religious dialogue recently earned him the Everyone Can Help Out Award from the Winston-Salem Foundation for his efforts to bridge religious differences by teaching community classes on Judaism. Rabbi Strauss-Cohn has also led

by example by involving Temple Emanuel in housing projects with Habitat for Humanity and other activities.

Temple Emanuel was founded as a reform congregation in the 1930s. When it was incorporated, it boasted 63 family memberships. Today the congregation has grown to more than 250 families. I look forward to seeing this fine Jewish congregation continue to grow and make a positive impact on its community.

I send my best wishes on this significant anniversary, and wish everyone at Temple Emanuel many more years of celebrating and practicing their Jewish faith and heritage.

HONORING THREE COURAGEOUS ODESSA POLICE OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

Mr. CONAWAY. Mr. Speaker, I am saddened to rise today to honor three courageous police officers from Odessa, Texas who risked and ultimately lost their lives responding to a domestic violence call. Corporal Arlie Jones, Corporal John ''Scott'' Gardner, and Corporal Abel Marquez are true heroes that will be missed by their families and friends, the community of Odessa, and this country.

Corporal Jones was 48 years and had served with the Odessa Police Department for 23 of those years. He is survived by his wife, Rhonda Jones; children, Kathleen Jones, Chelsea Jones, Shanna Foppiano, Mandy Boren, Shonda Boren; and parents, Arlie and Lolly Jones.

Corporal Gardner was only 30 years old and had served the Odessa Police Department for 4 years and 5 months. He is survived by his parents, E.D. and Sally Gardner, and brothers Jack and David Gardner, who both work for the Odessa Fire Department.

Corporal Marquez was only 32 years old and served the Odessa Police Department for 7 years and 1 month. He is survived by his children, Isaac Marquez and Sandra Marquez; his parents, Pete and Epi Marquez; and brothers Pete and Philip Marquez, who also work for the Odessa Police Department.

On September 8, 2007, these three men answered their final call of duty to a frantic domestic violence call, a 911 call. It was not the first time the police had visited this specific residence. But these three men didn't think twice about the danger they were stepping in to; to serve, to protect, and to defend was all that was on their minds that fateful night.

Three days later, members of the Odessa community were busy preparing for the September 11 anniversary ceremony. However, the ceremony was a little different this year. In addition to the 3,000 American flags that traditionally fly in the somber west Texas sky, there were three more flags, one for each of the fallen officers. In an ironic and touching service, the people of west Texas honored all of our fallen heroic first responders, both close and far from home.

The community outpouring of love and support shown for the victims' families has been extraordinary, an obvious display of how these three men lived their lives.

I want to offer my deepest condolences to the families and friends of the victims.

During the month of October, we will observe National Domestic Violence Awareness Month. This year as we work in Congress to pass legislation to provide leadership in the ongoing effort against domestic violence, I will personally remember the three heroes from Odessa, Texas who made the ultimate sacrifice for this cause.

Mr. Speaker, I rise to the floor today to honor these three heroes who have been described by Odessa Police Deputy Chief Lou Orras as ''hard-working and dedicated officers with a passion for law enforcement.'' They will be missed, but never forgotten.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker,

Under sections 211, 301(b), and 320(a), of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2007, 2008, and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to the House amendments to the Senate amendments to H.R. 976 made in order by the Committee on Rules (Children's Health Insurance Program Reauthorization Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal Years, in millions of dollars]

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Energy and Commerce	−1	−1	134	132	89	87
Change in Children's Health Insurance Program Reauthorization Act (H.R. 976):						
Energy and Commerce	0	0	9,098	2,412	47,678	34,907
Revised allocation:						
Energy and Commerce	−1	−1	9,232	2,544	47,767	34,994

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal years—		
	2007	2008 [1]	2008–2012
Current Aggregates: [2]			
Budget authority	2,250,680	2,350,181	(3)
Outlays	2,263,759	2,353,150	(3)
Revenues	1,900,340	2,015,841	11,137,671
Change in Children's Health Insurance Program Reauthorization Act (H.R. 976):			
Budget authority	0	9,098	(3)
Outlays	0	2,412	(3)
Revenues	0	6,210	35,525
Revised Aggregates:			
Budget authority	2,250,680	2,359,279	(3)
Outlays	2,263,759	2,355,562	(3)
Revenues	1,900,340	2,022,051	11,173,196

[1] Pending action by the House Appropriations Committee on spending covered by section 207 (d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.
[2] Excludes emergency amounts exempt from enforcement in the budget resolution.
[3] Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOEKSTRA. Mr. Speaker, I rise tonight to talk about the Foreign Intelligence Surveillance Act. But before we talk about this very important piece of legislation which the Congress extended in the waning hours before we went on our August recess, I think it is important that we put this in context.

As Members of Congress and as my colleague here, Mrs. WILSON from New Mexico joins me, we serve on the Intelligence Committee. We recognize that the American people have laid upon us the responsibility to do everything in our power to assist and give the intelligence community the tools that it needs to prevent another terrorist attack against the United States.

And make no doubt about it, when you take a look at what bin Laden and others in al Qaeda have said, their intent is to attack us and to attack us again and again.

In 1998, bin Laden, in a series of interviews, was asked about his intentions. One of his quotes was: ''To kill the Americans and their allies, civilians and military, is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the al Aqsa Mosque and the holy mosque from their grip, and in order for their armies to move out of all of the lands of Islam, defeated and unable to threaten any Muslim.'' That was February 28, 1998.

He was asked about the possibility of acquiring chemical or nuclear weapons. His response to those questions, again in 1998, was: ''Acquiring weapons for the defense of Muslims is a religious duty. If I have indeed acquired these weapons, then I thank God for enabling me to do so.''

He goes on in another quote, December 1998, to say: ''If I seek to acquire such weapons, this is a religious duty. How we use them is up to us.''

So we have known of the intentions of bin Laden, al Qaeda and the radical jihadists for a long period of time.

□ 2145

We experienced many of their attacks during the 1990s, whether it was the first attack on the World Trade Center, the attacks against the USS Cole, the attacks against our compounds in Saudi Arabia, or our embassies in Africa. Of course, it all culminated on 9/11 with the attacks in New York, Washington, and the crash in Pennsylvania.

It is exactly these kinds of activities, these attacks against our homeland or against our interests in other parts of the world that we seek to prevent. We want to make sure that the intelligence community works with other intelligence communities around the world, because we recognize that it's not only the United States and our homeland that is vulnerable; but we recognize with the attacks in London, the attacks in Spain, the killing of van Gogh in The Netherlands, the plots that were recently disrupted in Germany, in Denmark, the airline plot that was disrupted a year ago, we recognize that the statements that bin Laden made in 1998 are still the way that they think and what they want to do in 2007.

If you go back, if you go to his most recent statement, or one of his recent statements around the anniversary of 9/11, again here's what bin Laden says: However, there are two solutions for stopping it. The first is from our side, and there he's talking about the radical jihadists, and it is to continue to escalate, to continue to escalate the killing and fighting against you. This is our duty and our brothers are carrying it out, and I ask Allah to grant them resolve in victory.

The second solution is from your side, meaning our side. It has now become clear to you and the entire world the impotence of the democratic system and how it plays with the interest of the peoples and their blood, by sacrificing soldiers and populations to achieve the interests of the major corporations.

He wants to attack and sees it as his religious duty for radical jihadists to attack the West, to attack the United States and to escalate, and as I said earlier, his quote from 1998, he seeks access to chemical and nuclear weapons. He seeks access so that they can determine how to use it.

It's our responsibility, again, to give the intelligence community and give the military the tools necessary to prevent bin Laden, to prevent radical jihadists, to prevent al Qaeda from successfully attacking the United States.

I yield to my colleague from New Mexico to talk a little bit about FISA and perhaps also put some context in why this is so important and why the intelligence community is so important as we try to intercept the communications of foreign terrorists like al Qaeda, like bin Laden, like radical jihadists to prevent these kinds of terrorist attacks from occurring again in the future. I yield to my colleague.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from Michigan, and I think it's important tonight to take a moment to stop for a moment.

We've been talking all day and all afternoon about health care, and it is something we both care about, and jobs and education and trying to make our schools better and make sure we have roads that people can drive to work on and that we can build businesses and get products to market. And we're all focused on our lives and trying to raise our kids and do the best we can, but we want to talk about something tonight that's really a serious issue and is something I think worries all of us. But sometimes we just want to set it aside, and we don't want to think about things that could happen to our own families, particularly if we don't feel personally like we can do something about it.

But as government leaders there are things that we can do about it. In fact, I think we have a duty. The first duty that we have as Federal officials is to make sure we protect this country.

This weekend, I have been a merit badge adviser for citizenship in the Nation in Troop 166 in Albuquerque, New Mexico, and had a group of boys that I was just teaching about the Constitution. We were talking about what are the functions of the Federal Government. And I believe that first and foremost our duty is to provide for the common defense.

And by that, we don't mean to clean up after the next disaster or support law enforcement if they prosecute people who conducted a terrorist attack. That's not enough, and that shouldn't be the goal of our government. It is to prevent a terrorist attack on this country. It's to prevent the next disaster. It's to prevent you waking up tomorrow morning, as you did 6 years ago, to watch aircraft fly into the sides of buildings.

I think in some ways maybe as a people our desire to move on with our lives has caused us to become a little complacent about the threats that we continue to face; and, in fact, I think our greatest accomplishment in the last 6 years has been what has not happened. We have not had another terrorist attack on our soil since that cool September morning, and it's not because they haven't tried.

A year ago in August, the British Government arrested 16 people who were within 48 hours of walking on to American airliners at Heathrow Airport and blowing them up simultaneously over the Atlantic. They planned to conceal explosives in things they could carry on in their luggage that looked like toothpaste or hair cream or shampoo, things you'd normally have. That's why all of us now have to put those things in those little quart-size containers so they can make sure there's not enough of anything there that can destroy an airliner, because the people in Heathrow were going to do that. They were going to make the bomb on board.

And if we underestimate the hatred and the cruelty of the people that were going to carry this out, think about this: one of them told the police at Heathrow or British police that he intended to bring his wife and his 6-month-old child with him so he wouldn't attract too much suspicion at the airport. Think about that for a second. These people hate Americans so much, they are so determined to inflict mass casualties on us, that they're willing to kill their own 6-month-old child to do it.

That's the threat that we continue to face; and on September 6, in this

month, in Germany, they arrested three people who had amassed enough explosive material to cause an explosion larger than the London subway bombs. Their likely targets were U.S. military bases in Germany.

Al Qaeda has been successful in the past in conducting a dramatic attack on the United States with mass casualties, huge economic dislocation; and they want to do it again. As Americans we have to accept, perhaps not accept but expect, that it is likely that they will succeed. They may fail in more of their attempts than they succeed at, but they only have to succeed once. America has to get it right 100 percent of the time. They can fail a bunch of times. They just have to get it right once.

There's no question in my mind anyway, and in fact bin Laden has said so, they are trying to acquire chemical, biological, and nuclear materials in order to make their attacks on the West even more dramatic, more devastating, more catastrophic. And there is no doubt in my mind that if they had those weapons they would use them.

Mr. HOEKSTRA. And this is not a partisan issue. The vice chairman of the 9/11 Commission, Lee Hamilton, a Democrat, talking about the objectives of al Qaeda: keep in mind there isn't any doubt here about the intentions of the terrorists. They've made it very clear. They want to get hold of a nuclear weapon. So this is not an idle threat. It's a very serious one. Lee Hamilton, a distinguished Member of this body, former Member of this body, vice chairman of the 9/11 Commission and a Democrat who did a wonderful job in leading the effort of that 9/11 Commission.

One of our colleagues here in the House talked about, again, their intentions and talked a little bit about what his reaction was to September 11. His quote is: It did answer the one question we didn't know about September 11: how far would they go. What September 11 said is they will go as far as they want to, that there's no red line, that there's no sense of decency, no innocence, that our world has changed in a very real way. Those are the words of our colleague from Connecticut, CHRIS SHAYS.

And then if we go back to Lee Hamilton: There is one threat because of the consequences that just rises above all others and that is the possibility of a terrorist getting hold of a nuclear weapon. They've made it very clear that they want to get a hold of a nuclear weapon. It's not an idle threat. It's a serious one. It's our responsibility not as Republicans, not as Democrats. This is an American issue. It's got to be an American priority. It is about preventing a nuclear terrorist attack.

And I yield to my colleague.

Mrs. WILSON of New Mexico. And one of the things that's so deeply troubling is they don't even need to get a nuclear weapon to sell terror across a whole region. It is just nuclear material or a suitcase-sized device that could cause tremendous damage and mass casualties, huge economic dislocation; and that is their intent.

And sometimes you listen to these tapes from bin Laden, and I was sitting in my office reading over the most recent one that he sent out on 9/11 on the anniversary of the terrorist attacks. You read through this and go, man, this guy is nuts. It just sounds nuts, but he is serious, and he has shown the ability to carry out mass attacks in the United States and to inspire followers to try to do the same.

We have to take this threat seriously. So the question is, as a Nation, and this is one of the things I look forward to talking a little bit about with my colleague tonight, all right, if the first duty of the United States Government is to protect America, to protect Americans from all enemies foreign and domestic, so how do we do this? How can we not only be better today than we were 6 years ago on the morning of 9/11? That's not the challenge. How do we be better tomorrow than we are today?

I think the greatest accomplishment we've had over the last 6 years is that we've not had another terrorist attack on our soil; but just because we're one step ahead of them today is not good enough. We have to stay one step ahead of them. How do we make sure our government is doing everything it can to keep America safe?

Mr. HOEKSTRA. Reclaiming my time, and I think that's exactly right, that we take a look at the past but most importantly that we set the right objective, the right milestone looking forward; and I think as a Congress we ought to commit to the principle of prevention.

We need to commit to diplomacy and international cooperation, commit to homeland security. That includes our ports, our borders, not just our skies. Let's commit to a nonpartisan approach that applies the knowledge and wisdom of all of our elected officials. Let's learn from 9/11 the goal and the objective of making sure that we will prevent the next 9/11 from occurring.

I'll yield.

Mrs. WILSON of New Mexico. One of the things that is hard to understand is just how difficult prevention is when you're facing a terrorist threat compared to what we faced during the Cold War.

I served in the military during the Cold War. I served overseas in Europe for most of my time as an officer, graduated from the Air Force Academy and then did my service overseas.

In some ways I kind of look back on this and say as an intelligence problem, the Soviet Union was a very convenient enemy. They had their exercises the same time every year. They came out of the same barracks. They had tables of equipment and standard organizational charts. They used the same radio frequencies, the same rail lines. They were a very predictable, potential enemy. Had they ever attacked us, they would have been very difficult to defeat, but we had no doubt about where they were and what they were doing pretty much, and we had huge systems set up for what we called indications and warning, ballistic missile early warning systems and systems that would launch our air interceptors if bombers came close to the United States. We were very good at looking at what the Soviet Union was doing to immediately protect America.

□ 2200

Mrs. WILSON of New Mexico. The intelligence problem with terrorism is much different. It is more like a Where's Waldo problem. They are hiding among us. They don't have set tables of equipment, they don't have their own dedicated radio systems. They don't live in barracks. They don't have exercises that we can catch or plan for or listen to. But if we can find them, we can stop them. And that is why I believe that good intelligence is the first line of defense on the war on terror.

Mr. HOEKSTRA. Reclaiming my time for just a minute. When we take a look at the threat that we face today, it is a fight against radical jihadists. As my colleague pointed out, this is a fight that is very different than what we fought in the cold war. But even in the cold war we had a very specific strategy laid out and a very specific objective. Now, we need to transform our intelligence community to make sure that it is as good and as quick. Actually, it has to be better and it has to be quicker, than radical jihadists. These people who have perverted their Islamic faith to achieve what they hope will be ultimately a world in which their view of Islam dominates everyone, and you either bend to their will or you are killed. Remember, their objectives are very simple: They want to take down the government in Iraq; they then want to destabilize the region; eliminate the State of Israel; establish their caliphate, Northern Africa, Southern Europe, the Middle East, reaching down into Asia, and they want to put it under sharia law; and, at the same time, they want to continue on in the West.

Remember, that for radical jihadists, as they look at the rest of the world they say, you have three options: you have the option to convert to Islam; you have the option to pay the tax, the hadid, or you will be attacked and you will be killed. And that is how they view the rest of the world. And that is why, when you take a look at the statements of bin Laden, al Qaeda, and other radical jihadist groups, it is why they are so focused and why bin Laden, in one of his latest messages, said that they need to escalate their efforts against the West. They need to escalate the killing. And why, if by the grace of God he is given a nuclear weapon, he will decide whether they

will use it or how they will use it. It is why we need to use every tool at our disposal, tools that we refined and that we learned how to use during the cold war.

We developed a great capability against the former Soviet Union, against other enemies during the cold war, and we ought to now take our knowledge of how these tools worked, how we put them in practice, to make sure that we got the information that kept us safe, that prevented the Soviet Union from ever being able to attack us and attack us successfully. How did we develop those tools to make sure that we got the information that we needed at the same time that we protected American civil liberties, privacy and American rights and the American way of life?

We had a good balance. We got the intelligence that we needed. We kept America safe. We had a period of 50 years where we developed these tools. We developed them at their various intelligence organizations where we refined the practices in such a way that they are now positioned as we target them at different threats, and perhaps a more serious threat than what we have ever seen before, radical jihadists. These are the tools that will enable us to meet our commitment of saying we will do everything we can to prevent a successful attack against the homeland.

I will yield to my colleague.

Mrs. WILSON of New Mexico. My colleague from Michigan and I are talking tonight about something that is pretty important and something perhaps that gets not enough time or attention these days, and that is, how do we better prevent a successful attack on the United States, a successful terrorist attack in particular?

One of our strongest tools in this fight is good intelligence. Now, America spies on its enemies.

Mr. HOEKSTRA. Reclaiming my time. We steal secrets. Correct?

Mrs. WILSON of New Mexico. That is exactly what we do. Other governments try to hide what they are doing and terrorist organizations try to hide what they are doing, and we try to steal those secrets. That is what good intelligence does. We steal those secrets so that we can find out the plans and the capabilities and the intentions of groups that might want to kill us or attack us so that we can stop them.

Mr. HOEKSTRA. If the gentlelady will yield.

Mrs. WILSON of New Mexico. Sure.

Mr. HOEKSTRA. Just to talk a little bit about the difference between the threat that we face with radical jihadists versus what we faced in the former Soviet Union.

You know, when we developed some of these tools, they were targeted against a specific location, an embassy in Washington, D.C. or embassies overseas. We knew who these individuals were; we knew where their locations were. I mean, it is a nation-state. They carried passports of certain countries. We knew where their embassies were and all of those kinds of things. They were relatively easy to identify, and the threat wasn't necessarily imminent.

What we now face with radical jihadists is we have got groups of people who, as we have seen in taking a look at their own words, have a passion for attacking the United States. And there are all different kinds of levels within this group. You have got the radical jihadists who are clearly linked to al Qaeda who take direction from al Qaeda. We call it the al Qaeda Central in the Pakistani-Afghan border region, the Fatah, the federally administered tribal areas. So you have got that network that is committed on a larger scale to attacking the West. And then you also have individual cells that might be franchises of radical jihadists who have aligned their goals and their missions with al Qaeda but may not be directly linked or taking their direction. And then that goes all the way over to the thing that we see with homegrown terrorists, people who may have become radicalized in a local mosque, or individuals that may actually become radicalized through the Internet.

So, the intelligence community needs to be focused on each of these types of threats in different ways, and it is a very difficult threat to get a handle on.

Mrs. WILSON of New Mexico. And probably one of the best ways that we have to get a handle, particularly on the terrorist threats, is what they call communications intelligence. We try to listen to people talking to each other. If you are trying to get people's plans and their intentions, understand more about them, you listen to them when they are talking to each other. That is what communications intelligence does. And we have been trying to collect communications intelligence since we started technical intelligence since the invention of the telegraph.

There were spies during the Civil War. We tried to read communications telegrams, intercept international telegrams during the First World War. So we have been trying to intercept communications to be able to tell what is the enemy going to do.

In New Mexico, probably the best example and the one that people know today is what we tried to do to protect our own communications. Particularly in the Pacific, in the Marine Corps, because we knew the Japanese were listening to our guys in the field talk to each other on the radios back and forth on where they were going and what hill they were going to, what their plans were. They used Navajo communicators because nobody in Japan could translate the Navajo code talkers. So we try to protect our own communications. We also try to intercept those of the enemy, both on the battlefield and more globally.

One of the challenges that we face and one of the things that the gentleman from Michigan and I have been working on for close to 2 years is that our laws for communications, particularly for gathering foreign intelligence from within the United States, have become outdated. There is a law called the Foreign Intelligence Surveillance Act, or FISA, which was initially put in place in 1978. Before that, there was really no statute that dealt with any limitations at all on how you collect foreign intelligence, foreign communications intelligence if you are based here in the United States. That law was a response to excesses of the intelligence community in the 1950s and the 1960s, and Congress put some limitations in place. They said, we are going to have some procedures on how we gather foreign intelligence in the United States.

Now, think about this. 1978. 1978 was the year I graduated from high school. The telephone was on the wall in the kitchen and it had an extra long extension cord. The Internet was not a word in the dictionary. Cell phones were only on Star Trek, and the first personal computer, the first IBM personal computer was invented in 1982, so 4 years after the Foreign Intelligence Surveillance Act was put in place.

So the threat was different. We were looking at collecting foreign intelligence mostly on diplomats who were hiding as spies in embassies like the Soviet embassy here in Washington. So it was a more static enemy and more static communications.

In 1978, almost all long-haul communication went over the air; it was bounced off satellites. Almost all short-haul communication, local calls, were over a wire. When we wrote the law, or when the Congress wrote the law in 1978, it was technology specific. It said, you don't have to do anything special if you are just gathering signals over the air if it is a radio signal or satellite signal. You can tune it in on your tuner similar to your car radio. There is no special privacy protections there. But if you touch a wire, you have to do some special things. So it was technology specific.

Since 1978, we have gone through a revolution in communications technology so that now the situation is completely reversed. Now, almost all long-haul communications that would be of foreign intelligence interest are on a wire; and almost all, or a vast percentage, of short-haul communications are over the air. There are 230 million cell phone customers just in the United States.

This change in technology meant that the foreign intelligence surveillance law was getting more and more out of date, at the same time the threats to the United States were changing, requiring America to be more agile in its intelligence collection than we had to be when faced with the former Soviet Union and the Soviet threats.

I yield back to my colleague from Michigan.

Mr. HOEKSTRA. If you take a look at the information right almost immediately after 9/11, as the President convened the bipartisan leadership of the House and Senate, along with the bipartisan leadership of the Intelligence Committees, they recognized that the FISA law wasn't going to work against this new kind of threat. So almost immediately, as the President consulted with this bipartisan leadership of the Congress, they talked about exactly what is this threat that is out there. And as they took a look at the statements, as we did earlier tonight, of what bin Laden was saying, what others in the al Qaeda organization were saying about we want to attack the West, we may use a nuclear weapon, we made a portable nuclear weapon, or something like that, they were unsure of exactly what the threat would be and they were unsure of what the organizational capabilities of the radical jihadists and al Qaeda were. So they made a decision. They said, we are going to do everything, we are going to unleash the NSA onto radical jihadists and intercept their communications so that we can determine and get a better insight as to exactly what they are doing. Because the President and the leadership, bipartisan leadership, recognized that it was their responsibility, and they made a commitment back then that said, we are going to do everything in our power to make sure that we prevent another attack against the United States.

So they took the policies and the practices, and they made the decision to adapt it and extend it to recognize the changes that had taken place in technology. The current Speaker of the House, NANCY PELOSI, Speaker PELOSI, briefed four times in the first 12 months of this effort, talking about exactly how it was working, who was being targeted, the information that was being collected, the kind of impact that it was having on the threats against the United States and how American's civil liberties were being protected. And consistently over a period of 3 to 4 years, as Members of Congress, we are consulted and briefed on this program. They all walked out of those briefings saying, this is essential, this is a necessary tool to prevent another successful attack against the United States.

□ 2215

That all changed when the New York Times published the existence of this program. It made America less safe. It tipped the radical jihadists off as to what some of our capabilities might be. They changed the way that they communicated. They changed the way that they operated.

But the end result is this is still an effective tool and a balanced tool that we now need to bring up to date through the legislative process. We did that in August.

I yield to my colleague.

Mrs. WILSON of New Mexico. And one of the ironies here is that because of this law, if we're trying to listen to a foreigner in a foreign country, and we take tremendous risks with our members of the intelligence community and collect that communication overseas, maybe at high risk, may not work, and we collect that communication overseas, you don't have to ask permission from anybody in the American judiciary. You're out there trying to do your job as a military officer or a civilian in the intelligence agencies, trying to steal secrets, listen to communications overseas.

But America dominates telecommunications. It used to be that if somebody from northern Spain was calling southern Spain, the route of that communication went directly from northern Spain to southern Spain. Now, because of global telecommunications networks, that call will go on the least restrictive, fastest path. And these efficiencies are running all of the time, and that call from northern Spain to southern Spain could route all the way around the world, through the United States, through whatever the system figures is the best, fastest path. So we may have situations where somebody in a foreign country is talking to somebody else in the same foreign country, and the communication might be routed through the United States.

And yet just because you touch, when you touch a wire in the United States, under the old law, you had to get a warrant from a court, even if you're listening to a foreigner in a foreign country, even if there are U.S. military forces in that country hunting down insurgents who are trying to kill Americans. It just doesn't make any sense at all.

And as one military officer said recently in Iraq, this doesn't make any sense. If I see an insurgent on the telephone, I can shoot him, but I can't listen to him. That was the problem with the Foreign Intelligence Surveillance Act that we sought to get fixed.

Mr. HOEKSTRA. Reclaiming my time, as the gentlelady recognizes, when Admiral McConnell, the Director of the National Intelligence Agency, the former head of NSA during the Clinton administration, I think, for three or four years testified in front of our committee that on occasion, in military activities involving the security and safety of American soldiers, that there were instances where there was a requirement, the safety and the security, not of the homeland, but of our troops who are in harm's way that it required the intelligence communities to go to a court in the United States to be able to listen to foreigners, terrorists, jihadists to get the information that was necessary to protect our troops. And in a time of war, as we talked about it on an Amber Alert, whether it's 12 hours, whether it's 24 hours or whatever, that's too long. And if you're a soldier under fire, or at risk, you want the intelligence community to have every tool to keep you safe and from preventing the terrorists from being successful where you are because, in your environment for the terrorists to be successful, the terrorist objective is very simple. They are over there, you are over here. You're in a hostile environment. Their objective is to kill you. It becomes very, very real for them.

Mrs. WILSON of New Mexico. The other irony of this is that it depended on what technology they were using to talk to each other. If the terrorists or insurgents trying to kill your military unit in the mountains of Afghanistan were using push-to-talk radios, you could listen to them. But if they were on a wire line phone and you were listening, trying to tap into that communication, if it transited the United States, you needed a warrant from somebody in Washington, D.C. This makes no sense. And it was compromising our ability to protect this country, and it was putting our soldiers in danger overseas.

Now there's one provision I want to talk about because I think it is sometimes misrepresented and given as an excuse for not making any updates to the law, and that's the emergency provision in the Foreign Intelligence Surveillance Act. In the 1978 law, there was an emergency provision that said, in case of an emergency, the Attorney General can stand in the shoes of the FISA Court and can approve wiretapping in the United States, and then get 72 hours to go in front of the court and make their case and get the warrant. The problem is that the Attorney General really does stand in the shoes of the court.

The Director of National Intelligence has testified in open session that an average FISA warrant takes 200 manhours to complete the packet, which is about two or three inches thick, to show probable cause in order to get a warrant. But it's worse than that. If we're talking in the United States, there are things that you can do. If I think that my colleague from Michigan is affiliated with a terrorist organization, the FBI can go out and talk to his neighbors. We can show what kind of affiliations he has with others, who he's communicating with us and so on.

But if you're on the Horn of Africa and you think a particular guy is affiliated with al Qaeda, it's not as though you have a lot of resources there to build your case for probable cause to satisfy some judge in Washington, D.C. And so the standard was not even being met in some cases where we had very good reason to believe that someone was affiliated with a terrorist organization. But everybody, all our analysts are back here, with the limited number of analysts we have with expertise in particular terrorist cells, trying to develop cases to convince judges to allow wiretaps on foreigners in foreign countries simply because the point of access to the communication was in the United States.

And the emergency provision really requires the Attorney General to stand in the shoes of the judge. He has to certify that the probable cause standard is met, that it's all the work to get to that probable cause standard that takes the time in the first place. And in the real world the time has taken too long in cases of real emergencies.

Mr. HOEKSTRA. Reclaiming my time, Mr. Baker, a former official at the Justice Department spent a considerable amount of time with the committee explaining to us exactly how the emergency process works. And so often people have focused on just the last part of the emergency process saying, call the Attorney General and he'll approve it. And that can take, that can be almost done at the speed of light. The Attorney General knows the call's coming, and it's kind of like you can get the approval very quickly. If that were the full extent of the emergency process, it might work. But Mr. Baker, in his testimony, says the emergency process, there are complications to it. I don't mean to sit here today, that you push a button, or it is not like, click, buy now on the Internet. It does take time.

He goes on, so why does it take time? So the intelligence community has to do their investigation, make a judgment about what targets they want to pursue, when they've done that; and when they've reached a point where they realize that they need to do collection immediately, they start talking to us. The ''us'' is the Justice Department.

Going on, he says, then we work through the legal facts, the legal issues, the factual issues, at the same time that they are dealing with the technical stuff that they need to do. Then, when all of that is ready and they tell us we are ready to go, and they say, yes, we resolved all legal issues, we have no problem; then they call the Attorney General. Calling the Attorney General and getting an answer back, it's not like super-time intensive unless a complicated case. Oftentimes we'll go down, prebrief the Attorney General what the case is all about, what the request will be, so that when the call comes, it can happen quickly.

But before that call is made, Mr. Baker goes through, we work through the legal facts, the legal issues, the factual issues at the same time that they are dealing with the technical stuff. Then, when that's all ready, and this is what my colleague from New Mexico is talking about, this is what the two inches of legal documents preparation that needs to be done before these folks in the Justice Department and in the intelligence community feel comfortable enough calling the Attorney General or one of his designees and saying, hey, it's time to go up on an emergency FISA.

Mrs. WILSON of New Mexico. And some of my colleagues have said, well, you know, there are some commonsense cases, I mean, where you should just, you know, we're all reasonable people here. There's some commonsense situations where if you've got insurgents who've captured American soldiers, gee, start listening to their communications and we'll take care of the paper work later. That's a felony under the old foreign intelligence surveillance law. So who in a bureaucracy is willing to commit a felony on the hope that some judge will give them mercy? And I look at this and I think, this is nuts. It is the United States Congress' responsibility to make sure we have the laws in place so that the people who are trying to protect us can prevent the next terrorist attack. We shouldn't have lawyers in Washington going in front of judges or making late-night calls to the Attorney General with somebody overseas on the line trying to explain why Abu terrorist really is an agent of a foreign power.

Mr. HOEKSTRA. Reclaiming my time for just a minute, I think we need to go back to what you said where folks have said, well, you know, common sense just says that if there's an imminent threat, just call him. Don't worry about getting the stuff, and just go or just start listening. Like you said, that's a felony. And in the FISA law——

Mrs. WILSON of New Mexico. It used to be a felony until we fixed it.

Mr. HOEKSTRA. Until we fixed it. But in the FISA, you know, there was not a commonsense exception. I'm sure that there are lots of people in America today who have paid a penalty or whatever, believing that what they were doing was, you know, it's just common sense. And they went in front of a judge or maybe they got called in front of a committee in Congress and they found out that their definition of common sense happened to be very different than maybe what the Members of Congress would have defined common sense; and when they got in a court of law, they found out that there wasn't a common sense objective or a common sense exception and found that they'd violated the law.

I yield to my colleague.

Mrs. WILSON of New Mexico. There is no common sense exception. And there is no start listening now and then do all the paperwork later. The paperwork has to be done before the Attorney General says, okay, go ahead; put the alligator clips on the wire. Then all that's left is to get the judge's signature on all of that close-to-200 man-hours on average of paperwork.

So what we did, and what we, and I actually think this year the problem got worse. It got worse for a couple of reasons. One of them was that the Foreign Intelligence Surveillance Court kept looking at more and more issues, and they found that their court was becoming clogged with huge requests for foreigners, for people who are in foreign countries talking to other people in foreign countries. That is not what this law was for. This law needed to be revised to take it back to its original intent, which was to protect the civil liberties of people in the United States. There are no fourth amendment protections under the Constitution of somebody who's not in the United States, not even related in any way to the United States. That's been long established in law and policy. So why are we wasting all this time with lawyers in Washington getting warrants for foreigners in foreign countries just because they happen to be talking on a wire that transits the United States?

Mr. HOEKSTRA. Just reclaiming my time, because, if we go back and we take a look at since this bill passed in 1978, 1979, FISA originally, I mean, at any time from 1978 to 2007 or before 2001, did we ever pick up American communications?

□ 2230

Mrs. WILSON of New Mexico. Sure.

Mr. HOEKSTRA. And did the intelligence community develop an elaborate system of protections which we call minimization to protect the civil liberties of Americans if and when that occurred?

Mrs. WILSON of New Mexico. In fact, they are much more explicit than they are in criminal law. Think about this. If the FBI thinks that somebody is running a drug cartel and they have got a wiretap on that person, that person may be calling some of his criminal associates, but he also bumps into hundreds of people who are completely innocent. He calls his kid's teacher at school. He may call a cousin. He may talk to his barber. All those people are innocent. You don't have to go out and get warrants on the innocent people. So, yes, wiretaps bump into innocent people. Intelligence agencies bump into innocent Americans overseas.

I was stationed in Vienna briefly when I was an Air Force captain, and one of my jobs was doing negotiations with the Soviets at the time. We all knew who the guy in the Soviet delegation who was the KGB guy. He came to my apartment for a reception with all the diplomatic corps. And if he had happened to communicate back to Moscow and we were listening in on that conversation and he reported on Captain Wilson and what she was like and whether she would like champagne and strawberries or what she talked about and the American intelligence agencies bumped into that, they would have minimized my participation. If it had no intelligence value, it was completely destroyed. But if it had some, with respect to this KGB guy, they would minimize it. They would hide my identity in a way that they are required to do both by statute and by regulation. And that is a long-established practice in foreign intelligence

Mr. HOEKSTRA. So even before the attacks of 2001 and the implementation of the terrorist surveillance program, for 21 years the intelligence community had developed a strict regimen of here is what we do if our surveillance

touches on an American to make sure that we protect the civil liberties, and that whole process for 23 years has been able to be reviewed by the Intelligence Committees of the House and the Senate, and those procedures from 2001 were extended and applied in the same way under the terrorist surveillance program.

Mrs. WILSON of New Mexico. One of the ironies here is that some of our colleagues on the Intelligence Committee who were worried about this new law said well, can you tell us how often you collect information that is to, from, or about Americans in the normal intelligence collection? Well, that would require the intelligence agencies to go back and mine their databases, much of which, frankly, is not even touched and actually probably violate the privacy of Americans in ways that they do not now do so in order to make a report to the Congress about collection of information that happened to be incidentally about Americans. If the North Koreans called the, pick one, Iranians and are talking about one of our colleagues in the Congress, that's a conversation about an American.

Mr. HOEKSTRA. Let me reclaim my time, Mr. Speaker, and yield to my colleague from Connecticut.

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

I have been listening to this wonderful dialogue and realizing that I didn't want to interrupt the flow, but one thing I am just struck with is during the Cold War, we knew what our strategy was. It was to contain, to react, and it was mutually assured destruction. I don't think Americans have accepted what the new strategy has to be, and it has to be detect, prevent, preempt, and maybe act unilaterally. If a small group of dedicated scientists can create an altered biological agent that will wipe out humanity as we know it, even Jimmy Carter is not going to wait for permission from anyone.

And my point is, I'm struck by the fact that we make it easier, for instance, to go into a business or a library to catch a common criminal than we do that if we thought a terrorist was potentially using a library even within this country to communicate. And I am just wondering if, in fact, that is true or not. In other words, isn't it true that if I impanel a grand jury, as the attorney, the prosecutor, I can just literally go and demand information from a business or library and get it, but don't we require, when we go after someone who is a terrorist, to literally go to the FISA court, have to swear under oath that the information that we are seeking is important? And I guess my question relates to the fact that, isn't the key to our success with terrorism to break into the cell without the terrorists knowing that we have so that we can then break it down and know what they are going to do before they act?

Mr. HOEKSTRA. Let me reclaim my time for a second and answer a part of that. My colleague from New Mexico touched it. When in a legal proceeding we get a warrant against an individual, or a criminal proceeding here in the United States, we target that individual and all of the calls or all of the communications of that individual then are monitored. Some of these calls may be the kind that the criminal system wanted to intercept, talking to another drug kingpin or whatever. But at the same time they may pick up a call from his mom, his kid's teacher, his dentist, a pizza guy, or whatever, and those are all listened to.

What some folks wanted to do on an alternative to this FISA legislation that we passed in August was a guarantee that when you targeted this foreign terrorist, somebody that we knew was a foreign terrorist and you have to guarantee that that person, whoever he is talking to, is also going to be a foreigner, you kind of sit there and say, wow, how do you do that? This cell phone has an area code of West Michigan; so if someone is calling me and has this number, they are probably calling West Michigan. No, I am in Washington, D.C. And for my BlackBerry, if they call my BlackBerry, it has got a West Michigan number on it, I could be in Europe. You don't know where they are going to call, but they said you have to guarantee that it's going to be foreign to foreign. You can't do that.

Mrs. WILSON of New Mexico. But if the gentleman will yield, it's even worse than that. If the limitation in law said you can only listen to foreign-to-foreign communications and I am trying to listen to your cell phone, how do I know who you are going to call next before you call me? So if you are a foreigner and you call another foreigner, that's fine. But if you call into the United States, I have committed a felony because you just called the United States.

You cannot possibly technically, with very rare exceptions, be able to screen out all communications that a foreign target might do calling into the United States before the communication takes place.

Mr. SHAYS. But the bottom line, if the gentleman will further yield, is that we literally have more protections to the potential terrorists than we do for someone involved in organized crime. We make it more difficult, not easier, to get that information. And yet the stakes are so high.

I was in your State at Los Alamos. Is that actually in your district or your neighbor's?

Mrs. WILSON of New Mexico. It's north.

Mr. SHAYS. What I was struck by was that they showed me a nuclear weapon that they made basically out of material they could have bought at Home Depot. The only thing they needed was weapons-grade material. So I am struck by the stakes being so high, and yet we want to make it harder, not easier, to get the terrorists than to get the organized crime.

Mrs. WILSON of New Mexico. But to me it's even worse than that that my colleague from Connecticut mentions, because somebody who is a criminal in the United States has rights under our Constitution; a terrorist outside of the United States does not. They have no protections under the first ten amendments, the Bill of Rights, and those things. We seek to steal secrets from people who are trying to kill us. We seek to listen to the radio communications of our enemies on the battlefield, and yet if those enemies are now using a phone, a communication on a wire to the United States, we are tying ourselves up in court in Washington, D.C. while they are killing our people. It sets a standard which is completely unreasonable.

Now, the Director of National Intelligence came to us in April of this year and said, I have a problem, a very serious problem. We are starting to go deaf because the Foreign Intelligence Surveillance Act has not been updated. He testified in open session last week about the Protect America Act, which must be made permanent. This fix to the Foreign Intelligence Surveillance Act we passed in August and the President has signed. And he said unless we make this law permanent, we will lose between one-half and two-thirds of our intelligence against the terrorist target. Let me say that again. Unless we make this act permanent, we will lose between one-half and two-thirds of our intelligence on the terrorist target.

Think about that. Are you willing to say two of three conversations from terrorists trying to kill us, that it is okay not to listen to them, it is okay that we go deaf with respect to protecting this country against terrorists? I am not. I believe it's possible to protect the civil liberties of Americans and focus our resources there with respect to the courts while listening to people who are reasonably believed to be in foreign countries who are not Americans, and that is what the Protect America Act did.

Mr. HOEKSTRA. Reclaiming my time, I would like to thank my colleagues for joining me this evening to talk about this very important issue. I thank the generosity of the Speaker.

THE UNITED STATES AIR FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, nearly 100 years ago the Department of War made a contract with two all-American men who would revolutionize human life as we know it. Those Ohio-born Wright brothers had a starry-eyed vision, tenacity, and brilliance that transformed their vision from theory to reality when they contracted with the United States Army to build a flying machine for the use of the United States Armed Forces.

Since then the United States Air Force has proven that mortals can

break the sound barrier many times over in heavier-than-air, high-powered aircraft defying, it seems, the very forces of gravity and transcending the previously incontrovertible dimensions of human capacity. Even at this very moment, the Air Force is working to defend our assets in a new frontier of national security: space itself.

Mr. Speaker, this year marks the 60th anniversary of the year in which the United States Air Force became an official separate military service within the Department of Defense. Since then, the ability to protect the forces of freedom all over the world through flight in air, space, and cyberspace has transformed warfare in a way that perhaps only can be truly appreciated by the enemies of liberty.

Air power was born through the courage and resilience with which our noble men and women in the Air Force overcame in the crucibles of World War I, World War II, and the Cold War. And today the courageous airmen and women of this generation are shaping history still as the enemies of liberty feel the just fury of the Air Force in Operation Iraqi Freedom. The U.S. Air Force has risen to meet the challenge of international terrorism by attaining a new level of technological capability to surveil a battle space virtually encompassing the entire planet.

Mr. Speaker, I have the precious honor of representing the Second Congressional District of Arizona, which includes Luke Air Force Base, a vital strategic asset to our national security and the largest fighter wing in the United States Air Force. Luke Air Force Base trains over 95 percent of all U.S. Air Force F–16 pilots and over 50 percent of all U.S. fighter pilots. The commanders at Luke are entrusted with the solemn mission of effectively equipping the Nation's greatest F–16 pilots and maintainers to be deployed as mission-ready war fighters. It is a center and symbol of excellence to the Air Force and a beacon of courage, honor, military strategy, and effectiveness for our armed services throughout America.

As the Nation commends 60 years of noble and selfless service in the cause of the freedom and security of these United States, it is an honor for me to stand here on the floor of the United States House of Representatives and thank Luke Air Force Base and the entire United States Air Force for their selfless dedication and their commitment to the cause of human freedom. None of us can ever fully convey the gratitude that we owe to these warriors who have answered liberty's call to service and sacrifice.

So, Mr. Speaker, may I pause this moment and offer my deepest and heartfelt gratitude, and that of the entire Nation, to the gallant men and women of the United States Air Force who have now, for these 60 years, borne upon their noble wings of freedom the cause of America and the hope of humanity.

God bless them all, Mr. Speaker. Thank you.

□ 2245

THE POLARIZATION OF WASHINGTON: FACTIONALISM IN AMERICAN POLITICS

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. SHAYS) is recognized for 60 minutes.

Mr. SHAYS. Mr. Speaker, I thank you for giving me this time and recognizing me. Just so folks who are here can kind of plan on their evening, I don't intend to go more than a half an hour, but there are some things that have been on my mind that I wanted to talk about.

In 2004, we passed a law that every school or college that receives Federal dollars must teach about the Constitution on September 17, the day the Constitution was adopted. We call this Constitution Day, or Citizens Day.

I found myself thinking about this from the perspective of my witnessing what is taking place in Iraq, where they're wrestling with their constitution. And so I found myself thinking that we can learn a lot about ourselves and our great Nation by looking at one of the world's oldest civilizations and its people, a people struggling under the most difficult circumstances to construct a governing constitution that will allow them to unite their nation, survive and prosper.

In my first visit to Iraq in April of 2003, I literally had to sneak into the seaport city of Um Qasr near the Kuwait border. The State Department was helping me, but the Department of Defense was trying to track me down and stop me from entering this historic land. As I approached the border, the British guards at the gates were asking for identification. My Save the Children driver, talking with DoD officials by satellite phone, was cooperating with them as little as possible, and I sat quietly in the Land Rover's front seat feeling like an anxious prisoner trying to gain my freedom by escaping into Iraq, not trying to get out.

We did get into this land of the Tigris and Euphrates Rivers, and so began my first of 18 trips seeking to exercise my constitutional responsibility of congressional oversight over a reluctant executive branch.

The irony of this experience was not lost on me. Here I was trying to fulfill my responsibility as the chairman of the National Security Subcommittee of the Oversight and Government Reform Committee, with specific jurisdiction over both the Departments of Defense and State, and one of these Departments, Defense, was trying to prevent me from exercising that responsibility, and the other, State, was trying to help me carry it out.

So why would we want such oversight? The reality is, if more Members of Congress had done proper oversight and gone to Iraq, abuses like Abu Ghraib never would have happened. Some Members would have toured the facility, and one of the soldiers in that dysfunctional Reserve unit would have quietly approached a Member and said, Sir or Ma'am, I don't know the first thing about being a prison guard, and by the way, some pretty bad stuff is going on here. The Members of Congress would more than likely have waited until the soldier left, and then asked some tough questions of the supervisors and demanded to see all of the facility. If he or she had gotten any ''push back,'' they would have come home asking even more questions, and the military would have been forced to look into the issue and take corrective action before things got out of hand.

Abu Ghraib was about a military unit run amuck. With proper oversight, the abuses would have been easy to correct and been corrected without a lot of fanfare or publicity. The press would not have had a story, our Nation's reputation wouldn't have been in question, and a primary recruitment cry of al Qaeda would never have existed.

As it was, Abu Ghraib happened. The press ran the story, with little obligation or inclination to contain it, particularly after part of it was out. Al-Jazeera and al Qaeda used it to inflame the Muslim world, and hundreds of American soldiers, sailors, marines and air men and women died as a result.

In our Constitution, there are checks and balances between the executive and legislative branches, but the fourth estate, the press, is on its own. Our Founding Fathers knew the tension between the legislative and executive branches makes both branches perform better, our country stronger, and our people safer. The fact is, the failure of the first Republican Congress to consistently do aggressive oversight hurt the President, his administration, the country and helped them elect a new Democratic Congress.

The first year I traveled primarily outside the umbrella of the military, staying in places like Um Qasr, Basrah, Al Kut, Arbil, Sulaymaniyah and Khanagin. That year turned out to be an undeniable disaster. Regrettably, the President sided with Defense and Rumsfeld. State and Colin Powell were put on the sideline. Paul Bremer was brought in to rule as a dictator, and I saw firsthand the result of such a government. The voice of everyday Iraqis was not being heard, and predictably one bad decision piled on another.

Following the faithful decision to arbitrarily disband their police, border patrol and army, as I traveled outside the umbrella of the military, I was continually asked by everyday Iraqis, why are you putting my neighbor, why are you putting my uncle, why are you putting my brother, why are you putting my cousin, my nephew, my father, my son, why are you putting my husband out of work? Why can't he at

least guard a hospital? That question still haunts me to this day. You see, Wilfredo Perez, Jr. of Norwalk, the first Fourth Congressional District casualty, was killed guarding a hospital.

I found myself asking, why did we leave 26 million Iraqis no indigenous security in a country larger than New England? Why did we put so many Iraqis out of work, leaving the general population completely defenseless and in the process endangering all our troops?

Yes, one thing is clear. During the first year, the voices of the people of Iraq were never heard. They had no representation, their dictator wasn't even an Iraqi, but an American who had no real sense of their wants and fears, and certainly no sensitivity to their culture. If only we had listened in the beginning and allowed Iraqis, not us, to shape their future.

Their anger was palpable. Americans, if you are here as our guests, you are welcome forever. If you are here as occupiers, we will fight you to the death.

When we transferred power to Iraqis in June of 2004 and allowed them to establish their own government, they, and we, saw what turned out to be 18 months of tangible progress. To their immense credit, in January of 2005 they elected a transitional government, wrote their constitution, ratified that constitution in an October plebiscite, and just 3 months later elected a government under their new constitution.

The year 2006, however, was another matter. The Samarra bombing ignited sectarian violence. It took 4 months just to form the Maliki government. And once in power, Prime Minister Maliki, particularly in the early stages, lacked the political will to get things done.

With this small margin of supporters and belief that the government needed to be more deliberate and not rush the tough decisions, it has been difficult for Iraqis to find common ground based on our timeline on when things need to get done.

But before we become too self-righteous about what Iraqis have done or should have done, it cannot be lost on any of us that our Constitution was preceded by the Articles of Confederation, and 13 years, from 1776 to 1789, of blood, sweat and toil. And even then, we did not get it perfect. If you were black, you were most likely a slave and two-thirds a person. In fact, dialogue about the issue of slavery and how to deal with it was such a non-starter, it wasn't even discussed.

As an American history major in college, I truly loved studying about our Federalist era. I marvel at how so many great men found themselves in one place with such a difficult and monumental task: build a Nation, establish a democracy, create a Republic. We are seeing Iraqis faced with a similar challenge. The meetings of our Founding Fathers in Philadelphia were filled with passion, courage, devotion, great intellect, humor, optimism, experience, and most importantly, a willingness to take chances, build trust, and compromise for a common goal and a greater good.

There was George Washington, Alexander Hamilton, Benjamin Franklin, and of course Connecticut's own Roger Sherman, to name a few. Thomas Jefferson was absent, but he was not absent when it came to the Bill of Rights, demanding its inclusion if Virginia was to be part of the Union.

I haven't identified an Iraqi George Washington, Madison or Franklin, nor have I seen in the Iraqi governing council the dynamics found at our own Nation's Constitutional Convention.

The tension between Virginia and New Englanders seems like child's play compared to the ethnic gravitation of the Kurds towards autonomy, and even more significantly, the sectarian conflict between Shias and Sunnis. One thing is clear to me: while Iraqis wrestle with sectarian violence, they do not wrestle with their nationality identity. They know who they are. They are Iraqis, people of two great rivers, descendants of the Fertile Crescent, where, as they tell me, it all began.

So when I ask an Iraqi, Are you Sunni? They reply, Yes, I'm a Sunni, but I'm married to a Shia. Or when I ask, Are you a Shia? They often respond, I'm a Shia, but my tribe is Sunni, or my son or daughter is married to a Sunni.

In the United States, I am constantly being told Iraq is not a real country. But when I'm in Iraq, I am told, We are Iraqis. We are the cradle of Western civilization. Your roots come from us. We may be Sunni or Shia, but we are all Iraqis. This point was emphasized to me by an Iraqi intern who worked in my office during the 2006 summer. He told me he never thought or identified himself as a Sunni. He always thought of himself as an Iraqi until his family in Baghdad became threatened by Shia militia and sought refuge among other Sunnis. This is not an irrelevant point.

When it comes to the creation of a diverse nation, sectarian and nationalistic tendencies can break a country apart. It was not at all certain our 13 colonies would form a perfect union, but fortunately patriotism trumped nationalism, regional and sectarian tendencies lurking beneath the surface.

While Iraqis don't seem to have the optimism or experience to govern, they have the passion, humor, intellect, devotion and courage that would match the bravest of any of our patriots. As an example, I think of Mithal al Alusi, whose meeting with me in my Washington office a few years back after his two college-age sons were killed 2 months earlier during an attempt on his life. Mithal had attended a conference of Muslims, Christians and Jews in Israel, and upon return to Iraq was taken off the Supreme National De-Ba'athification Commission and stripped of his security. There were already two attempts on his life before the third, which killed his only children. The assassins have made it clear they will not stop trying to kill him until he is dead.

So there he was, sitting in my office, a truly marked man, and I said to him, Mr. al Alusi, you cannot go home. I will do everything I can to enable you to stay in the United States, to which he replied, in true disbelief, I can't leave Iraq, my country needs me.

A year later, I visited Mithal in the so-called government's Green Zone, where we found him a place to live so at least in his home he and his wife could be safe.

□ 2300

During this visit, I noticed there were no pictures of any family members, so I asked him if he would show me a picture of his two sons. He brought out an 8-by-11 color print protected by a thin plastic sheet which he told me he keeps in a file because his wife cannot endure the sadness and pain of looking at her two precious sons. The picture shows Mithal's arms stretched out around both his sons, they are taller than he is, with his head leaning on the shoulder of one of them. It was such a loving image that it breaks my heart to think of it and know that his is not the only Iraqi story of intense devotion, sacrifice and loss.

This great Iraqi patriot, Mithal al Alusi, was elected to the parliament later that year. So how is this new government doing? The Shias, Sunnis and Kurds, in the early stages of government, reminded me of a sixth grade dance where little interaction takes place except for a brave few willing to risk some contact. They interact a lot more now, but as a fledging democracy, the Shias, who constitute 60 percent of the population, understand ''majority rule'' but struggle with the concept of ''minority rights.'' This struggle over minority rights is the center of their differences. The Shias fear repeating history and losing power to the Sunni minority. They believe if this happens, like in the past, we will not be there to help them. And Sunnis fear having little or no power under an unsympathetic majority. In Iraq, it is easy to advocate for majority rule. They get it. The majority rules. But it is very difficult to explain and advocate for the power and freedom that comes to a nation that protects its minorities and makes sure they are not outside the government but an important part of that government.

As I witnessed democracy take root in this ancient land, I will never take for granted the essential nature of ''minority rights.'' Minority rights is the lubricant that makes the whole system work. Without it, democratic governments would come to a grinding halt.

So we have a people that have spent 4 years and 5 months trying to create the perfect union for themselves. With the death of over 3,780 of our troops and over 12,512 seriously wounded, and the

expenditures of over $1.5 trillion, we are losing patience with Iraq. Americans feel justified, given the sacrifice of our military and the expenditure of so much money, to lecture Iraqis how they need to get their act together, forgetting they didn't attack us, we attacked them. And then, we proceeded to eliminate their security, all their police, border patrol and army after Saddam, to add insult to injury, had already let out of jail all the criminals throughout Iraq.

One U.S. politician after another berates the Maliki government and the Sunni, Shia and Kurds for their intransigence and failure to work out their differences and find common ground. I can't help but wonder, who are we to talk? When was the last time Republicans and Democrats, House and Senate, White House and Congress, worked together on any major piece of legislation facing our country? The Senate, once again, has only now begun to pass any of its 11 appropriations bills necessary to fund the government. And by the way, the new funding should be done, but won't be, by October 1. We can't even agree in this Chamber on what to do in Iraq. The irony of that is mind-boggling. We blame Iraqis for not agreeing. And we can't agree.

So what about us? When it comes to Iraq, the former Republican Congress was blatantly partisan. The new Democratic Congress has returned the favor. And a very opinionated press, rather than encouraging Republicans and Democrats, the White House and Congress to come together, has picked sides and marshaled the facts to fit their own conclusions.

It is hard to know, I might add, with a press that is accountable to absolutely no one, where you can go to get the unadulterated facts. The reality is we went into Iraq on a bipartisan basis with two-thirds of the House and three-quarters of the Senate supporting the resolution to use force. The only way we are going to successfully bring most of our troops home is if we come together, find common ground, and compromise.

But I don't think this is likely to happen in the near future since both sides of the aisle seem captive to their so-called party's base. The Republican religious right and the Democratic anti-war impeachment left leave most Americans wondering, who is speaking for us? In this highly intense, politically charged environment, the answer is, practically no one.

The largest number of Americans aren't on the right or the left. The bell curve is pretty much in the middle of the political spectrum. In the past Presidential election, 42 percent of the American people said they were neither red nor blue, Republican nor Democrat, but purple. This leaves Republicans and Democrats with just 29 percent support each. Why is this relevant? The majority of Americans are not being heard or represented.

The majority of Americans are not being heard or represented.

The extremes focus on ideology and berate the fact that, according to them, the Republicans and Democrats are no different from each other. So they keep pushing extreme positions. But the American people are still in the middle of the political spectrum. They want solutions, not ideology. They want problems solved, not ignored. And they are getting neither.

Our Constitution was created by men who knew the meaning of compromise. During their time together, they grew to trust and respect each other. In the process, they gave up hardened views. They allowed themselves to be drawn to the middle of the political spectrum. In the process, they created the United States of America where the people rule and have ruled for 218 years.

The question that confronts all of us today in Congress is, do we have this same capacity, like our Founding Fathers, to grow to trust and respect each other, give up hardened views and find solutions to the plethora of inconvenient truths that confront us? Of this we can be certain. Now is not the time for Congress and the White House to do nothing. There are so many inconvenient truths we must confront, but we won't successfully address any of them until we have honest debate and until compromise and coming to the middle becomes something Americans value again.

Mr. Speaker, I thank you for spending your time with us, and I thank the staff for allowing Members to address this Chamber tonight.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today after 6 p.m.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. HOYER) for today and until 6 p.m. on September 27.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Mr. POE, for 5 minutes, October 2.

Mr. JONES of North Carolina, for 5 minutes, October 2.

Ms. FOXX, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 24, 2007 she presented to the President of the United States, for his approval, the following bill:

H.R. 3528. To provide authority to the Peace Corps to provide separation pay for host country resident personal service contractors of the Peace Corps.

ADJOURNMENT

Mr. SHAYS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 26, 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:

3448. A letter from the Acting Director, Office of Management and Budget, transmitting a copy of proposed legislation that seeks to bring the funding structure for the Commodity Futures Trading Commission (CFTC) into line with the funding of other Federal financial regulators by establishing a fee on the settlement of commodity futures and options contracts overseen by the CFTC; to the Committee on Agriculture.

3449. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Limitations on Tiered Evaluation of Offers [DFARS Case 2006-D009] (RIN: 0750-AF36) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3450. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Reports of Government Property [DFARS Case 2005-D015] (RIN: 0750-AF24) received September 12, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3451. A letter from the Deputy Secretary, Department of Defense, transmitting the Department's Joint Improvised Explosive Device Defeat Organization second quarter report as required by section 1402 of the John Warner National Defense Authorization Act for fiscal year 2007; to the Committee on Armed Services.

3452. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3453. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7730 and B-7729] received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3454. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3455. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Government National Mortgage Association: Mortgage-Backed Securities (MBS) Program-Payments to Securityholders; Book-Entry Procedures; and Financial Reporting [Docket No. FR-5063-F-02] (RIN: 2503-AA19) received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3456. A letter from the Northern California Habitat Supervisor, National Oceanic and Atmospheric Administration, transmitting the Administration's comments on the Federal Energy Regulatory Commission's preliminary analysis of the Tuolumne River Fisheries Study Plan for the New Don Pedro Hydroelectric Project; to the Committee on Natural Resources.

3457. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill, ''to enhance the functioning and integration of formerly homeless veterans who reside in permanent housing, and for other purposes''; to the Committee on Veterans' Affairs.

3458. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Housing Cost Amounts Eligible for Exclusion or Deduction for 2007 [Notice 2007-77] received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3459. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Certain Nuclear Decommissioning Funds for Purposes of Allocating Purchase Price in Certain Deemed and Actual Asset Acquisitions [TD 9358] (RIN: 1545-BC99) received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3460. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 7508.-Time for Performing Certain Acts Postponed by Reason of Service in Combat Zone or Contingency Operation (Also Sections 6081, 7508A; 11 U.S.C. 507, 523, 727.) (Rev. Rul. 2007-59) received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3461. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1045 Application to Partnerships [TD 9353] (RIN: 1545-BC67) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3462. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disregarded Entities; Employment and Excise Taxes [TD 9356] (RIN: 1545-BE43) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3463. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Expenses for Household and Dependent Care Services Necessary for Gainful Employment [TD 9354] (RIN: 1545-BB86) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3464. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue: Government Settlements Directive #2 [LMSB Control No.: LMS-04-0707-050] received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3465. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transaction of Interest — Contribution of Successor Member Interest [Notice 2007-72] received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3466. A letter from the Chief, Regulations and Publications Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Transition Relief for Indian Tribal Government Plans [Notice 2007-67] received August 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3467. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2007-68] received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3468. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Elimination of country-by-country reporting to shareholders of foreign taxes paid by regulated investment companies [TD 9357] (RIN: 1545-BE09) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3469. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Transition Relief Regarding the Active Trade or Business Requirement for Certain Transactions [Notice 2007-60] received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3470. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 807.-Rules for certain reserves (Also 812) (Rev. Rul. 2007-54) received September 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3471. A letter from the Administrator, Environmental Protection Agency, transmitting copies of two proposed bills to collect certain fees under the Toxic Substance Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodentice Act (FIFRA); jointly to the Committees on Agriculture and Energy and Commerce.

3472. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2009, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

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:

Ms. VELÁZQUEZ: Committee on Small Business. 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 (Rept. 110–347). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 677. Resolution providing for consideration of the joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008, and for other purposes (Rept. 110–348). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 678. Resolution providing for consideration of the bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl (Rept. 110–349). 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. RANGEL (for himself, Mr. STARK, Mr. LEVIN, Mr. MCDERMOTT, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. EMANUEL, Mr. BLUMENAUER, Mr. PASCRELL, Ms. BERKLEY, Mr. CROWLEY, Mr. VAN HOLLEN, Mr. MEEK of Florida, Ms. SCHWARTZ, Mr. RAMSTAD, Mr. ENGLISH of Pennsylvania, Mr. ANDREWS, Mr. NADLER, Mrs. MALONEY of New York, Mr. SPACE, and Mr. NEAL of Massachusetts):

H.R. 3648. A bill to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3649. A bill to require mercenary training to be conducted only on Federal Government property; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. HUNTER, Ms. BERKLEY, Mr. KING of New York, Mr. HOEKSTRA, Mr. CHABOT, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. POE, Mr. FORTUÑO, Mr. ROYCE, Mr. MCCAUL of Texas, and Mr. TANCREDO):

H.R. 3650. A bill to provide for the continuation of restrictions against the Government of North Korea unless the President certifies to Congress that the Government of North Korea has met certain benchmarks; to the Committee on Foreign Affairs.

By Mr. BISHOP of Utah (for himself, Mr. MATHESON, and Mr. CANNON):

H.R. 3651. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; to the Committee on Natural Resources.

By Mr. CONYERS (for himself, Ms. LINDA T. SÁNCHEZ of California, Mr. NADLER, Mr. COHEN, Ms. SUTTON, Ms. ZOE LOFGREN of California, and Mr. JOHNSON of Georgia):

H.R. 3652. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Ms. ROS-LEHTINEN, Mr. WOLF, and Mr. MCCOTTER):

H.R. 3653. A bill to hold the current regime in Iran accountable for its human rights record and to support a transition to democracy in Iran; to the Committee on Foreign Affairs.

By Mr. COOPER (for himself and Mr. WOLF):

H.R. 3654. A bill to establish a commission to develop legislation designed to reform tax policy and entitlement benefit programs and ensure a sound fiscal future for the United States, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, 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. COOPER (for himself and Mr. WOLF):

H.R. 3655. 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, and in addition to the Committee on Rules, 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. ENGLISH of Pennsylvania (for himself and Mr. WELLER):

H.R. 3656. A bill to require States to withhold assistance to applicants for, and recipients of temporary assistance for needy families with respect to whom there is substantial evidence of recent unlawful drug use; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 3657. A bill to amend the Internal Revenue Code of 1986 to allow individuals and businesses a credit against income tax for the purchase of Energy Star compliant air conditioners; to the Committee on Ways and Means.

By Mr. FORTUÑO (for himself, Mr. FALEOMAVAEGA, Ms. BORDALLO, and Mrs. CHRISTENSEN):

H.R. 3658. A bill to amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service; to the Committee on Foreign Affairs.

By Mr. JONES of North Carolina:

H.R. 3659. A bill to prohibit a school from receiving Federal funds if the school prevents a student from displaying or wearing in a respectful manner a representation of the flag of the United States; to the Committee on Education and Labor.

By Mr. KIND (for himself, Mr. HERGER, Ms. SCHWARTZ, Mr. PLATTS, Mr. PAUL, Mr. CALVERT, Mr. FORTENBERRY, Mrs. EMERSON, Mr. PETRI, Ms. BEAN, and Mr. FORBES):

H.R. 3660. A bill to amend the Internal Revenue Code of 1986 to provide that the deduction for the health insurance costs of self-employed individuals be allowed in determining self-employment tax; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York (for herself and Mr. KUHL of New York):

H.R. 3661. A bill to conduct 1 or more higher education and career readiness demonstration projects for rural, low-income students; to the Committee on Education and Labor.

By Mr. MCHUGH:

H.R. 3662. A bill to amend the Worker Adjustment and Retraining Notification Act to improve such Act; to the Committee on Education and Labor.

By Mr. GEORGE MILLER of California (for himself, Mr. DINGELL, and Mr. DICKS):

H.R. 3663. A bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes; to the Committee on Natural Resources.

By Mr. PAUL:

H.R. 3664. A bill to amend the Internal Revenue Code of 1986 to provide that tips shall not be subject to income or employment taxes; to the Committee on Ways and Means.

By Mr. REICHERT (for himself and Mr. ELLSWORTH):

H.R. 3665. A bill to amend chapter 87 of title 18, United States Code, to end the terrorizing effects of the sale of murderabilia on crime victims and their families; to the Committee on the Judiciary.

By Ms. SUTTON:

H.R. 3666. A bill to establish a bipartisan commission to perform a comprehensive examination of the current foreclosure and mortgage lending crisis and to make recommendations for legislative and regulatory changes to address such problems; to the Committee on Financial Services.

By Mr. WELCH of Vermont:

H.R. 3667. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System; to the Committee on Natural Resources.

By Mr. OBEY:

H.J. Res. 52. A joint resolution making continuing appropriations for the fiscal year 2008, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, 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. JONES of North Carolina:

H.J. Res. 53. A joint resolution to amend the War Powers Resolution to ensure the collective judgment of both the Congress and the President will apply to the initiation of hostilities by the Armed Forces, the continued use of the Armed Forces in hostilities, and the participation of the Armed Forces in military operations of the United Nations; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, 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. ROHRABACHER:

H. Con. Res. 219. Concurrent resolution expressing the sense of Congress that the Government of Iraq should schedule a referendum to determine whether or not the people of Iraq want the Armed Forces of the United States to be withdrawn from Iraq or to remain in Iraq until order is restored to the country; to the Committee on Foreign Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. MCCAUL of Texas, Mr. TANCREDO, Mr. ACKERMAN, Mr. CHABOT, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. PAYNE, Mr. FORTUÑO, Mr. SESSIONS, Mr. WU, Mr. SCOTT of Georgia, Mr. ENGEL, and Mr. ANDREWS):

H. Res. 676. A resolution declaring that it shall continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey:

H. Res. 679. A resolution expressing the sense of the House of Representatives regarding the continuing effects of the genocide, crimes against humanity, and war crimes in Bosnia and Herzegovina; to the Committee on Foreign Affairs.

By Mr. CARTER (for himself, Mr. ROGERS of Kentucky, Mr. CALVERT, Mr. LINCOLN DAVIS of Tennessee, Mrs. JO ANN DAVIS of Virginia, Mr. SESSIONS, Mr. DAVID DAVIS of Tennessee, Mr. JONES of North Carolina, Mr. FEENEY, Mr. SOUDER, Mr. KAGEN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. COLE of Oklahoma, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mr. BUCHANAN, Mr. BOOZMAN, Mr. LAMBORN, Mr. PEARCE, Mr. GINGREY, Mr. TANCREDO, Mr. MILLER of Florida, Mr. GALLEGLY, Mr. THORNBERRY, Mr. NEUGEBAUER, Ms. GRANGER, Mr. LEWIS of California, Mr. PORTER, Mr. GERLACH, Mr. MCHENRY, Mr. SMITH of New Jersey, Mr. TERRY, Mr. CANNON, Mr. WOLF, Mr. REYNOLDS, Mr. FERGUSON, Mr. GENE GREEN of Texas, Mr. WALDEN of Oregon, Mr. BILIRAKIS, Mr. FRANKS of Arizona, Mr. DENT, Mr. ADERHOLT, Mr. INGLIS of South Carolina, Mr. HOEKSTRA, Mr. KING of New York, Mr. BURTON of Indiana, Mr. FOSSELLA, Mr. WALSH of New York, Mr. KUHL of New York, Mrs. BLACKBURN, Mr. WICKER, Mr. PUTNAM, Mr. RENZI, Ms. FALLIN, Mr. GARRETT of New Jersey, Mr. REHBERG, Mr. DAVIS of Kentucky, Mr. BOUSTANY, Mr. HENSARLING, Mr. SMITH of Texas, Mr. BOEHNER, Mr. MICA, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. LOBIONDO, Mr. TIBERI, Mr. KLINE of Minnesota, Mr. FRELINGHUYSEN, Mrs. MUSGRAVE, Mr. MCKEON, Mr. PENCE, Mr. WESTMORELAND, Mr. SAM JOHNSON of Texas, Mr. REYES, Ms. FOXX, Mr. UPTON, Mr. WAMP, and Mr. MCCAUL of Texas):

H. Res. 680. A resolution condemning the actions of September 7, 2007, resulting in damage to the Vietnam Veterans War Memorial; to the Committee on Veterans' Affairs.

By Mr. COHEN:

H. Res. 681. A resolution to express the sense of the House of Representatives regarding the Medicare national coverage determination on the treatment of anemia in cancer patients; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. LOBIONDO and Mr. FERGUSON.
H.R. 39: Mr. TOWNS.
H.R. 138: Mr. MCCAUL of Texas.
H.R. 139: Mr. BURGESS.
H.R. 174: Mr. CAPUANO.
H.R. 369: Mr. KENNEDY and Mrs. CAPPS.
H.R. 459: Mr. HIGGINS.
H.R. 619: Mr. WYNN and Mr. BOUCHER.
H.R. 627: Mr. FERGUSON.
H.R. 648: Mr. FERGUSON.
H.R. 690: Mr. SESTAK and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 695: Mr. CARDOZA and Mr. KANJORSKI.
H.R. 707: Mr. BROUN of Georgia.
H.R. 726: Mr. PRICE of North Carolina.
H.R. 728: Mrs. GILLIBRAND.
H.R. 729: Mr. SCHIFF.
H.R. 743: Mr. HOLDEN, Mr. HENSARLING, Mr. BILIRAKIS, Mrs. MYRICK, Mr. BRALEY of Iowa, Mr. SULLIVAN, Mr. DAVIS of Kentucky, Mr. HAYES, Mr. CARNEY, and Mr. PEARCE.
H.R. 748: Mr. HOLT, Mr. WILSON of South Carolina, Mr. HELLER, Mr. ELLSWORTH, and Mr. DAVIS of Alabama.
H.R. 758: Mr. MURPHY of Connecticut.
H.R. 760: Mr. ROTHMAN.
H.R. 819: Mr. TOWNS and Ms. WATERS.
H.R. 854: Ms. CLARKE and Mr. COURTNEY.

H.R. 871: Mr. COHEN.
H.R. 882: Mr. SHAYS.
H.R. 897: Ms. LEE, Mr. RANGEL, and Ms. DELAURO.
H.R. 946: Mr. TIERNEY, Mr. MILLER of North Carolina, and Mr. RYAN of Ohio.
H.R. 1022: Ms. MCCOLLUM of Minnesota.
H.R. 1064: Mr. MCCAUL of Texas.
H.R. 1073: Mr. SIRES.
H.R. 1127: Mr. GRAVES.
H.R. 1166: Mr. FERGUSON.
H.R. 1169: Mr. FERGUSON.
H.R. 1237: Mr. WOLF, Mr. PAYNE, Mr. FORTUÑO, MR. DAVIS of Illinois, Mr. TERRY, and Mr. KIND.
H.R. 1283: Ms. LEE.
H.R. 1312: Ms. WATERS.
H.R. 1346: Mr. NEAL of Massachusetts.
H.R. 1395: Mr. ISSA.
H.R. 1396: Mr. DAVIS of Alabama, Mrs. LOWEY, and Mr. NEAL of Massachusetts.
H.R. 1422: Mr. TERRY.
H.R. 1514: Mr. BRALEY of Iowa.
H.R. 1518: Mr. CAPUANO.
H.R. 1566: Ms. LEE and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1596: Mr. LOBIONDO.
H.R. 1649: Mr. ELLSWORTH.
H.R. 1671: Mr. CAPUANO.
H.R. 1691: Mr. ENGEL.
H.R. 1711: Mr. FERGUSON.
H.R. 1738: Mr. PETERSON of Minnesota, Mr. FERGUSON, and Mr. BARTLETT of Maryland.
H.R. 1742: Mr. STARK.
H.R. 1850: Ms. CLARKE.
H.R. 1876: Mr. PRICE of Georgia.
H.R. 1884: Mr. MURPHY of Connecticut.
H.R. 1956: Mr. HILL.
H.R. 1959: Mr. TERRY.
H.R. 1971: Mr. CAPUANO.
H.R. 1975: Mr. FERGUSON.
H.R. 2033: Mr. RANGEL, Mr. FRANK of Massachusetts, and Mr. WEINER.
H.R. 2053: Mr. CUMMINGS and Mr. RADANOVICH.
H.R. 2061: Ms. SUTTON.
H.R. 2074: Mr. PRICE of North Carolina.
H.R. 2092: Mrs. TAUSCHER, Mr. PASTOR, Mr. NADLER, Mr. SESTAK, Mr. DOGGETT, Ms. LEE, Mr. MEEKS of New York, and Mr. MCCAUL of Texas.
H.R. 2122: Ms. BALDWIN and Ms. CARSON.
H.R. 2164: Mrs. BLACKBURN.
H.R. 2188: Mr. GENE GREEN of Texas.
H.R. 2193: Mr. WEXLER.
H.R. 2262: Mr. GILCHREST, Ms. DEGETTE, Mr. LEWIS of Georgia, Mr. WU, Mr. SERRANO, Mr. SIRES, Ms. WOOLSEY, Mr. GUTIERREZ, and Mr. CHANDLER.
H.R. 2287: Mr. HARE and Mr. FERGUSON.
H.R. 2307: Mr. WEXLER
H.R. 2343: Mr. HARE.
H.R. 2376: Mr. ENGLISH of Pennsylvania.
H.R. 2417: Mr. WILSON of Ohio.
H.R. 2452: Mr. WILSON of South Carolina, Mr. BRALEY of Iowa, and Mr. PASCRELL.
H.R. 2470: Ms. HARMAN and Mr. SCHIFF.
H.R. 2478: Mr. COHEN.
H.R. 2511: Mr. CONAWAY, Mrs. NAPOLITANO, Ms. HARMAN, and Mr. HINCHEY.
H.R. 2517: Mr. POMEROY, Mr. MARIO DIAZ-BALART of Florida, Mrs. DRAKE, Mr. ABERCROMBIE, Mr. JACKSON of Illinois, Mr. BAIRD, Mrs. CAPITO, Mr. KIRK, Mr. MANZULLO, Mr. CASTLE, Ms. GINNY BROWN-WAITE of Florida, Mr. UPTON, Mr. EHLERS, Ms. PRYCE of Ohio, Mr. PLATTS, and Mr. GERLACH.
H.R. 2526: Mr. ROSKAM.
H.R. 2567: Mr. CLAY.
H.R. 2593: Mr. HOLT and Mr. MORAN of Virginia.
H.R. 2596: Mr. BLUMENAUER and Ms. BALDWIN.
H.R. 2609: Mr. SERRANO.
H.R. 2677: Mr. CALVERT.
H.R. 2695: Mrs. BLACKBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, and Mr. BISHOP of Georgia.
H.R. 2702: Mr. SCHIFF, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. FERGUSON, and Mr. SAXTON.
H.R. 2706: Mr. HERGER, Mr. BOEHNER, and Mr. SOUDER.
H.R. 2726: Mrs. MYRICK.
H.R. 2749: Mr. JINDAL and Mr. CAPUANO.
H.R. 2784: Mr. SESSIONS, Mr. ROGERS of Alabama, and Mr. MCKEON.
H.R. 2790: Mr. LATHAM.
H.R. 2805: Mr. KUHL of New York, Mr. SHAYS, Mr. BLUMENAUER, and Ms. BALDWIN.
H.R. 2819: Ms. HARMAN.
H.R. 2842: Ms. SLAUGHTER and Mr. BLUMENAUER.
H.R. 2846: Mr. FERGUSON.
H.R. 2852: Mr. RUPPERSBERGER, Mr. MCHUGH, Mr. BARTLETT of Maryland, Mr. DONNELLY, Mr. PETERSON of Minnesota, Mr. SARBANES, Ms. HIRONO, Mr. BOSWELL, and Mr. VISCLOSKY.
H.R. 2857: Ms. ZOE LOFGREN of California.
H.R. 2878: Mr. JINDAL and Ms. WASSERMAN SCHULTZ.
H.R. 2930: Mrs. BIGGERT and Mr. MCNERNEY.
H.R. 2946: Mr. FERGUSON.
H.R. 2965: Mr. PAYNE, Mrs. TAUSCHER, Mr. BLUMENAUER, Mr. JACKSON of Illinois, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. CAPPS, Ms. LEE, Ms. SCHAKOWSKY, and Mr. GONZALEZ.
H.R. 3005: Mr. ORTIZ, Mr. HOLT, and Mr. ACKERMAN.
H.R. 3026: Mr. COURTNEY, Mr. LATHAM, and Mr. PLATTS.
H.R. 3029: Mr. GALLEGLY.
H.R. 3041: Mr. KENNEDY.
H.R. 3058: Mr. SCOTT of Georgia, Mr. INSLEE, Mr. FILNER, and Mrs. CAPPS.
H.R. 3090: Mr. COLE on Oklahoma.
H.R. 3099: Mr. KIND.
H.R. 3114: Mrs. BOYDA of Kansas, Mrs. MCCARTHY of New York, Ms. LORETTA SANCHEZ of California, Ms. SUTTON, and Ms. ZOE LOFGREN of California.
H.R. 3115: Mr. ACKERMAN.
H.R. 3140: Mr. ARCURI, Mr. ALTMIRE, and Mr. DAVIS of Alabama.
H.R. 3172: Mr. BLUMENAUER and Mr. COHEN.
H.R. 3187: Mr. BLUMENAUER.
H.R. 3191: Mr. GONZALEZ, Ms. LEE, Mr. DOYLE, and Mr. HARE.
H.R. 3212: Mr. HOLT and Mr. KUCINICH.
H.R. 3219: Mr. ENGLISH of Pennsylvania, Mr. CAPUANO, Mr. NEAL of Massachusetts, Mrs. MALONEY of New York, Mr. FARR, Mrs. LOWEY, Ms. MCCOLLUM of Minnesota, Mr. WEXLER, Ms. SLAUGHTER, and Ms. CASTOR.
H.R. 3229: Mr. MARSHALL.
H.R. 3257: Mr. COSTA.
H.R. 3282: Mr. WILSON of South Carolina and Mr. MCHUGH.
H.R. 3337: Ms. BALDWIN.
H.R. 3357: Mr. PICKERING, Mr. DENT, Mr. LEWIS of Kentucky, Mr. LOEBSACK, Mr. THOMPSON of Mississippi, Mr. HINCHEY, Mr. BRALEY of Iowa, and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 3372: Mr. STARK, Mr. DAVIS of Illinois, Ms. ZOE LOFGREN of California, Mr. BLUMENAUER, and Mr. TOWNS.
H.R. 3378: Ms. CARSON and Mr. COHEN.
H.R. 3402: Mr. COHEN.
H.R. 3411: Ms. BERKLEY.
H.R. 3416: Ms. ZOE LOFGREN of California.
H.R. 3423: Ms. WOOLSEY, Ms. BORDALLO, Mrs. MCCARTHY of New York, Mr. DAVIS of Illinois, and Mr. RUSH.
H.R. 3425: Mr. COHEN.
H.R. 3429: Mr. COHEN.
H.R. 3432: Mr. KING of New York, Mr. LAHOOD, Mr. FOSSELLA, Mr. FRELINGHUYSEN, Mr. ROHRABACHER, Mr. WELLER, Mr. FORTENBERRY, Mr. GILCHREST, Mr. WALSH of New York, Mr. DREIER, Mr. ENGLISH of Pennsylvania, Mr. SHAYS, Mr. LANTOS, and Mr. WOLF.
H.R. 3452: Ms. ROYBAL-ALLARD.
H.R. 3453: Ms. DEGETTE, Mr. MATHESON, and Mr. GORDON.
H.R. 3461: Mr. POMEROY.
H.R. 3480: Mr. CARTER, Ms. SUTTON, Mr. SESTAK, Mr. STEARNS, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. ENGLISH of Pennsylvania, and Mr. PETERSON of Minnesota.
H.R. 3498: Mr. MCNULTY.
H.R. 3502: Mr. ENGLISH of Pennsylvania.
H.R. 3512: Mr. FORTENBERRY.
H.R. 3521: Ms. NORTON.
H.R. 3524: Mr. LYNCH.
H.R. 3531: Mrs. MYRICK and Mr. SHUSTER.
H.R. 3533: Mr. CLEAVER, Mr. MCHUGH, Ms. SUTTON, Mr. WELCH of Vermont, Mr. MCDERMOTT, Mr. SCHIFF, Mr. BISHOP of Georgia, and Mr. DAVIS of Alabama.
H.R. 3544: Mr. GORDON, Mr. JOHNSON of Illinois, Mr. FERGUSON, Mr. MORAN of Virginia, and Mrs. JONES of Ohio.
H.R. 3547: Mr. ISSA, Mr. COHEN, and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 3553: Mr. UDALL of New Mexico.
H.R. 3558: Mr. ROSS, and Mr. PATRICK MURPHY of Pennsylvania.
H.R. 3566: Mr. JORDAN.
H.R. 3572: Mr. COHEN, Mr. LEWIS of Georgia, and Mr. SCOTT of Georgia.
H.R. 3584: Mr. FOSSELLA, Mr. WILSON of South Carolina, Mr. KNOLLENBERG, Ms. FOXX, Mr. LEWIS of California, Mr. FRANKS of Arizona, and Mrs. BACHMANN.
H.R. 3585: Mrs. JO ANN DAVIS of Virginia and Ms. WASSERMAN SCHULTZ.
H.R. 3609: Mr. JOHNSON of Georgia, Mr. COHEN, Mr. ELLISON, and Mr. NADLER.
H.R. 3610: Mr. WAXMAN.
H.R. 3647: Ms. HERSETH SANDLIN.
H. Con. Res. 10: Mr. JACKSON of Illinois.
H. Con. Res. 32: Mr. ENGLISH of Pennsylvania.
H. Con. Res. 83: Mr. BUCHANAN.
H. Con. Res. 122: Mr. FILNER and Mr. SCHIFF.
H. Con. Res. 137: Mr. MCCAUL of Texas.
H. Con. Res. 176: Mr. BURGESS and Mr. TERRY.
H. Con. Res. 198: Mr. OLVER.
H. Con. Res. 200: Mr. LANGEVIN, Mr. SIRES, Mr. BILIRAKIS, Mr. PENCE, and Mr. MORAN of Virginia.
H. Con. Res. 203: Ms. MATSUI, Mr. ACKERMAN, and Mr. COHEN.
H. Res. 71: Ms. SUTTON.
H. Res. 108: Ms. CASTOR.
H. Res. 212: Mr. EHLERS.
H. Res. 237: Mr. BURTON of Indiana.
H. Res. 356: Mr. LOBIONDO.
H. Res. 405: Mr. PAYNE, Mr. INGLIS of South Carolina, Mr. KENNEDY, Mr. HINCHEY, Mr. HOLT, Mr. ANDREWS, Mr. CARNAHAN, Mr. CAPUANO, Mr. ENGEL, Mr. HODES, and Mr. VAN HOLLEN.
H. Res. 470: Mrs. WILSON of New Mexico.
H. Res. 524: Mrs. CAPPS, Mr. JACKSON of Illinois, Mr. BAKER, Mr. SIRES, Mr. SALAZAR, Mr. POE, Mr. TERRY, Mr. PETRI, Mr. HASTINGS of Florida, Mr. MICHAUD, Mrs. TAUSCHER, Ms. LORETTA SANCHEZ of California, Mr. PITTS, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Ms. SHEA-PORTER, Mr. HARE, Ms. SUTTON, Ms. WATSON, Ms. LEE, Mr. LANTOS, Mr. CARDOZA, Mr. BOSWELL, Mr. HINOJOSA, Ms. SCHAKOWSKY, Mr. MILLER of Florida, Mr. YARMUTH, Mr. DONNELLY, Mr. GENE GREEN of Texas, Mr. BACA, Mr. COHEN, Mr. LAMPSON, Ms. ESHOO, Mr. MCNULTY, Mr. TIM MURPHY of Pennsylvania, Mr. CARNEY, Mr. ROGERS of Alabama, Mrs. MALONEY of New York, Ms. HOOLEY, Mr. MOORE of Kansas, Mr. PLATTS, Mr. SKELTON, Mr. HALL of Texas, Mrs. BIGGERT, Mr. BISHOP of New York, Ms. CLARKE, Mr. JOHNSON of Georgia, Ms. WOOLSEY, Ms. MOORE of Wisconsin, Mr. INSLEE, Mr. HOYER, Mrs. LOWEY, Mr. WELCH of Vermont, Mr. MCGOVERN, Mr. ANDREWS,

Mr. RUPPERSBERGER, Mr. PALLONE, Mr. WALDEN of Oregon, Ms. SCHWARTZ, Mr. DAVIS of Alabama, Mr. ISRAEL, Mr. HINCHEY, Mrs. EMERSON, Mr. REYES, Mr. ALTMIRE, Mr. LYNCH, Mr. WAXMAN, Ms. ROS-LEHTINEN, Mrs. BONO, Mr. KIRK, Mr. PENCE, Mr. PRICE of Georgia, Mr. HILL, Mr. CAPUANO, Mr. WU, Mr. PERLMUTTER, Ms. HIRONO, Mr. CLYBURN, Mr. KING of New York, Ms. DEGETTE, Ms. BEAN, Ms. HARMAN, Mr. TOWNS, Mr. HOLDEN, Mr. HIGGINS, Mr. HOLDEN, Mr. HIGGINS, Mr. SCOTT of Virginia, Mr. TAYLOR, Mr. ROTHMAN, Ms. BALDWIN, Mr. CROWLEY, Mr. ACKERMAN, Mr. ALLEN, Mr. SCHIFF, Mr. ENGEL, Mr. HALL of New York, Ms. JACKSON-LEE of Texas, Ms. BERKLEY, Mr. WYNN, Mr. WEINER, Ms. MCCOLLUM of Minnesota, Mrs. DAVIS of California, Ms. VELÁZQUEZ, Mr. LARSON of Connecticut, Mr. SERRANO, Mr. DOGGETT, and Mr. RUSH.

H. Res. 542: Mr. GALLEGLY, Mr. GERLACH, and Ms. BORDALLO.

H. Res. 572: Mr. MELANCON.

H. Res. 573: Mr. MCCAUL of Texas.

H. Res. 576: Mr. YOUNG of Alaska.

H. Res. 584: Ms. WASSERMAN SCHULTZ.

H. Res. 590: Mr. BLUMENAUER and Mr. TIERNEY.

H. Res. 618: Mr. HARE.

H. Res. 620: Mr. MCCOTTER.

H. Res. 640: Mr. HUNTER, Mr. SAXTON, Mr. JONES of North Carolina, Mr. HAYES, Mr. AKIN, Mr. MILLER of Florida, Mr. ABERCROMBIE, Mr. REYES, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. COOPER, and Mr. BOREN.

H. Res. 641: Mr. ENGLISH of Pennsylvania.

H. Res. 642: Mrs. CAPPS, Mr. BACA, Mrs. NAPOLITANO, Mr. ORTIZ, Ms. ROYBAL-ALLARD, Mr. SALAZAR, Mr. SIRES, Mr. PASTOR, Mr. BECERRA, Mr. CUELLAR, Mr. HINOJOSA, Ms. MCCOLLUM of Minnesota, and Mr. COHEN.

H. Res. 644: Mr. ROGERS of Kentucky and Mr. KLINE of Minnesota.

H. Res. 651: Mr. RENZI, Mrs. SCHMIDT, and Ms. WATSON.

H. Res. 652: Mr. DEFAZIO, Ms. SCHAKOWSKY, Mr. SHADEGG, Mr. OLVER, and Mr. HONDA.

H. Res. 669: Ms. SUTTON.

H. Res. 673: Mr. DENT and Mr. KING of New York.

H. Res. 674: Mr. SIRES, Mr. MAHONEY of Florida, Mr. MORAN of Virginia, and Mr. CARNAHAN.

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:

OFFERED BY MR. DAVID R. OBEY

H.J. Res. 52, making continuing appropriations for the fiscal year 2008, 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.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

163. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 464 urging the Federal Corporation For National and Community Service to fully restore funding to Rockland County's Americorps Program; to the Committee on Education and Labor.

164. Also, a petition of the California State Lands Commission, relative to a Resolution opposing federal preemption of state laws to reduce greenhose gas emissions; to the Committee on Energy and Commerce.

165. Also, a petition of the City of Hollywood, Florida, relative to Resolution No. R-2007-195 supporting S. 1115, ''the Energy Efficiency Promotion Act''; to the Committee on Energy and Commerce.

166. Also, a petition of Mr. Tony Avella, Council Member of the City of New York, relative to regarding a request from Mr. Richard George, Director of the Beachside Bungalow Preservation Association; to the Committee on Natural Resources.

167. Also, a petition of the Board of Commissioners of the County of Armstrong, Pennsylvania, relative to a Resolution urging the Congress of the United States to amend necessary federal regulation to allow federal financial participation for medical benefits to incarcerated individuals until convicted and sentanced; to the Committee on the Judiciary.

168. Also, a petition of the Village of Nyack, New York, relative to a Resolution calling for an investigation of President George W. Bush and Vice President Richard B. Cheney; to the Committee on the Judiciary.

169. Also, a petition of the Town Council of the Town of Bay Harbor Islands, Florida, relative to Resolution No. 1044 supporting the Governing Board of the South Florida Water Management District requesting that the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike into compliance with current levee protection safety standards; to the Committee on Transportation and Infrastructure.

170. Also, a petition of the Washington State Democrats, relative to a Resolution calling on the Congress of the United States to support and enact the AFL-CIO Policy on Immigration; jointly to the Committees on the Judiciary and Education and Labor.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, TUESDAY, SEPTEMBER 25, 2007 No. 143

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, show favor to our land and bless us with Your grace. Transform us into people who look to You for guidance and seek to do Your will. Unite us to accomplish the things that honor You.

Strengthen the Members of this body to serve You as You deserve. Empower them to give and not to count the cost, to strive and not to heed the wounds. Help them to toil and not to seek for rest, to labor and not to ask for any reward except of knowing they are doing Your will. May each Senator daily strive to walk blameless, speak the truth, and honor You.

We pray in Your righteous Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER 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 25, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER 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, today the Senate will be in a period of morning business for 1 hour. The time is divided between the two sides. The Republicans will control the first portion. The Senate is expected to resume consideration of the Defense authorization bill this morning. Today the Senate will recess under a previous order entered for our respective party conferences at 12:30 and reconvene at 2:15. At some point during today's session it is expected that we will receive a message from the House relating to the SCHIP program, children's health. The Senate will consider that message and take the necessary steps to conclude action and send it to the President.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

BURMA

Mr. MCCONNELL. Mr. President, a remarkable scene is playing out in the country of Burma. For yet another day, tens of thousands of peaceful protesters demonstrated throughout Burma against the policies of that country's military junta, the State Peace and Development Council. These protests were carried out in defiance of Government threats. They were led again by barefoot monks, dressed in saffron robes, who just a few days ago in a simple but powerful gesture unleashed a dramatic series of events. That gesture was the turning upside down of their alms bowls, a symbol of the monks' refusal to accept charity from the regime, an act that has the potential to awaken the world to the brutality of this iniquitous regime. Imagine the courage of their actions. Their nonviolent response is subject to imprisonment and torture from a regime that has done far more to citizens who have done far less.

Earlier today, President Bush spoke at the United Nations General Assembly; in fact, he is probably speaking as I speak. He indicated additional U.S. sanctions would be applied to the military junta. He also called for increased international pressure on this regime. The President should be applauded for his leadership in promoting democracy and reconciliation in Burma.

The struggle for freedom in Burma is not new, nor are we in Congress new to it. I am hopeful other countries will follow the lead of President Bush and the Congress on this issue.

Two nations are pivotal to this effort: India and China. Both have a major stake in a prosperous and democratic Burma emerging from this unrest. Failure to act in a constructive manner would be a poor reflection on India, the world's largest democracy. Failure to act in a meaningful manner would also be a poor reflection on China, as that nation begins efforts to showcase itself for the 2008 Beijing Olympics.

The United Nations Secretary General himself needs to directly engage the SPDC on this matter and call for

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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real progress toward the democratization of Burma; the release of all political prisoners, most especially including Aung San Suu Kyi; and the inclusion of ethnic minorities in a peaceful reconciliation process.

Pressure is mounting on the SPDC, both from within the country and from without. Yet there is a path forward for the regime, and that is the path of genuine reconciliation. The SPDC needs to follow the pragmatic model of apartheid South Africa in the early 1990s: Recognize the need to enter into good faith negotiations with the legitimate leaders of the people.

I wish to convey a few messages to those inside Burma: To the peaceful protesters, know that the friends of democracy are with you and we are awed by your courage and your determination; to the regime: Know that the eyes of the world are upon you and recall that the crackdown in 1988 was followed by sanctions your Government still labors under. Know too that as the Government of Burma, you are responsible for the safety and well-being of the demonstrators and also of Aung San Suu Kyi. Know that the path forward is through genuine reconciliation, not repression.

In closing, I note that the SPDC is much like any other despotic regime that holds onto power through terror, through force, and, frankly, through corruption as well. The SPDC will not give way easily to peaceful protests and resistance. We must let those in Burma who seek peaceful change know they do not stand alone.

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 the time equally divided between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Colorado.

NATIONAL FIRST RESPONDER APPRECIATION DAY

Mr. ALLARD. Mr. President, I rise today to recognize our Nation's first responders. I, along with Senators MCCAIN and CASEY, introduced S. Res. 215 recognizing today, September 25, 2007, as National First Responders Appreciation Day. The Senate acted quickly and passed this resolution by unanimous consent with a total of 33 cosponsors.

The contributions that our Nation's 1.1 million firefighters, 670,000 police officers, and over 890,000 emergency medical professionals make in our communities are familiar to all of us. We see the results of their efforts every night on our TV screens and read about them every day in the paper.

From recent tornadoes in the Southeast and wildfires in the West in 2007, and the Christmas blizzard in Colorado in 2006, to the tragic events of Virginia Tech, Columbine High School, Platte Canyon High School, and the wrath of Hurricane Katrina, our first responders regularly risk their lives to protect property, uphold the law, and save the lives of others.

Nationwide, many of our first responders take the call on a daily basis and are exposed to life-threatening situations. While performing their jobs, many first responders have made the ultimate sacrifice. According to Craig Floyd, Chairman of the National Law Enforcement Officers Memorial Fund, a total of 1,649 law enforcement officers died in the line of duty during the past 10 years; an average of 1 death every 53 hours, or 165 per year, and 145 law enforcement officers were killed in 2006.

In addition, according to the United States Fire Administration, from 1996 through 2005, over 1,500 firefighters were killed in the line of duty, and tens of thousands were injured.

It is also important to note that four in five medics are injured on the job. More than one in two, about 50 percent, have been assaulted by patients, and one in two, 50 percent, have been exposed to an infectious disease, and emergency medical service personnel in the U.S. have an estimated fatality rate of 12.7 per 100,000 workers, more than twice the national average, and most emergency medical service personnel deaths in the line of duty occur in ambulance accidents.

Yet to recognize our first responders only for their sacrifices would be to ignore the everyday contributions they make in communities throughout America. In addition to battling fires, firefighters perform important fire prevention and public education duties such as teaching our children how to be fire safe.

Police officers do not simply arrest criminals; they actively prevent crime and make our neighborhoods safer and more livable. And if we or our loved ones experience a medical emergency, EMTs are there at a moment's notice to provide lifesaving care.

Last Saturday, I hosted a first responder appreciation day in northern Colorado and was overwhelmed by the support shown to our first responders by the public. Farmers, ranchers, small business owners and members of the community alike thanked their firefighters, paramedics, sheriffs, deputies, and police officers for being there at a moment's notice to lend a hand while putting their own safety at risk.

As a practicing veterinarian and a former health officer in Loveland, Colorado, I can attest to the numerous times I called on first responders to help me get through a situation. In many ways our first responders embody the very best of the American spirit. With charity and compassion, those brave men and women regularly put the well-being of others before their own, oftentimes at great personal risk. Through their actions they have become heroes to many. Through their example they are role models to all of us.

To all of our first responders, thank you for your service. I ask my colleagues to please join me today in recognizing September 25 as National First Responder Appreciation Day as we honor first responders for their contributions, sacrifices, and dedication to public service.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. KYL. Mr. President, I wish to speak to two items that are before us as we are considering the Defense authorization bill this morning. The first has to do with an amendment that has been offered by Senator LIEBERMAN and myself and others to declare the Islamic Revolutionary Guard Corps a terrorist organization, which would, if we do that, permit us to engage in economic sanction activity against the financing operations of the IRGC.

That is important, because according to all of the evidence we have, it is the IRGC that has been primarily responsible for the infusion into Iraq of the very dangerous equipment that has been causing great harm to our troops there, especially the new superpenetrator devices that are blowing up not just humvees but also even Abrams tanks.

It is the IRGC that is responsible for the training of Iraqis to be fighting our troops in Iraq and generally bringing the Iranian Government's anti-American activities from Iran into Iraq.

It is because of the IRGC's activities as a terrorist organization that our troops are dying in portions of Iraq today and, therefore, totally fitting for us to express our sense to the administration that it should designate the IRGC as a terrorist organization, thus, permitting us to invoke these economic sanctions against it.

The IRGC, interestingly enough, engages in a great deal of financial activity around the world, which makes these particular sanctions especially appropriate and potentially very effective. I am pleased it appears there will be an agreement on some slight modifications of language of the amendment which will permit us to, presumably, have a near unanimous vote when this amendment is considered, perhaps later this morning but certainly today.

I am looking forward to a colloquy with Senator LEVIN and Senator

LIEBERMAN so we can discuss our joint understanding of precisely what this joint resolution means and be able to act upon it so we can send a very clear message to the Iranian Government that its involvement against U.S. troops in Iraq will not be countenanced.

That is especially poignant today after the appearance by the Iranian President at a major U.S. university and his appearance today at the United Nations, in which it is pretty clear he will say just about anything to advance what he believes is the cause animating Iran's activities in the world today, whether it is truthful or not.

It seems to me, until there is a firm push back against this man and against the regime which he runs and the terrorist arm of that regime, the IRGC, they are going to continue to do what they do. And that is why it is especially poignant today, as I said, that the Senate act on this sense-of-the-Senate resolution to designate the IRGC as a terrorist organization.

The other matter I wish to briefly talk about is another amendment that is pending before us offered by the Senator from Delaware. This is an amendment that contains several preamble statements about the situation in Iraq, and then calls upon the Iraqi Government to convene a council which will result in the creation of federal regions within Iraq.

This is something the Iraqi Constitution and a special law that was passed permit but does not mandate. It seems to me it would be a very big mistake on the part of the U.S. Government to be seen as demanding that the Iraqi Government take this step, which some would see as a breaking apart of the nation of Iraq, a partitioning of the country of Iraq into different pieces.

The people of Iraq have the authority to do that under this special law and under their Constitution. They fully have intended to have some kind of a conference to consider whether to do it. But I think it would be a big mistake for us to be seen as dictating to the Iraqi people how they want their Government ultimately to be governed, to exist, and to operate.

The creation of federal regions may be an appropriate way for them to do this; it may not. But that decision should be left to them. I think there has been an assumption that at least one federal region in the Kurdish north would be recognized, but there are questions about whether other federal regions would be.

I recognize there are some in the United States, and even in this body, who believe it would be best for Iraq if it were divided into federal regions. Maybe they are right; maybe they are not right. But it is clearly up to the Iraqi people to make this decision.

So were we to express ourselves on this, I think it would also be important for us to confirm our understanding and belief and commitment to the sovereignty of the people of Iraq to make this decision, and to make it clear nothing in this particular resolution in any way is intended to undercut the sovereignty of the Iraqi people to make this decision for themselves. Otherwise, I fear the resolution could be read as the United States dictating to the Iraqis what their country is going to look like in the future and especially because it relates to the partitioning of the country. It seems to me this would be a very arrogant step on our part and something that obviously we do not want to be seen as doing.

I also would make the point that some of the recitations at the beginning of this resolution are misleading, if not outright wrong. It talks about the sectarian violence in the country. There is sectarian violence, but it totally ignores the activities of al-Qaida. Since al-Qaida has spawned much of the sectarian violence, it seems to me this is an incredibly important omission, especially because there are some in this body who talk about a change in mission, eventually having our mission in Iraq evolve to simply a counterterrorism mission, recognizing that al-Qaida is a significant force in the country, and we need to deal with al-Qaida.

We have al-Qaida on the run in the country, but al-Qaida is not gone by any means. In addition to that, al-Qaida spawns some of the sectarian violence as, for example, it did when it blew up the Golden Mosque in Samarra, thus inciting Shiites to attack Sunnis and starting a cycle of violence which continues to this day.

To simply refer to sectarian violence without any reference to the terrorism that is occurring because of al-Qaida would, I think, be a glaring omission and would raise significant questions. Especially if there are those who suggest we should eliminate a message of counterinsurgency, this is also totally contradictory because if you refer to all of the violence in the country as sectarian violence, but there is no counterinsurgency mission for the United States, then basically what you are saying is we simply leave that country to the tender mercies of all those groups engaged in this sectarian violence. That, we know, is antithetical to any kind of peaceful resolution to the disagreements that exist in that country and the eventual reconciliation of the people of that country.

So it seems to me a resolution of this type can do more harm than good in creating confusion about what the understanding of the United States of the situation in the country is, No. 1; No. 2, failing to recognize the prominent role that al-Qaida is playing and the importance of our mission in dealing with al-Qaida; and, third, suggesting it is the position of the United States to dictate to the Iraqi people that they need to partition their country when, in fact, that is a decision that needs to be left to them, which they could make if they wanted to under their Constitution, but certainly are not required to, and nothing we do should suggest we would require them to do so. We have to recognize the sovereignty of that country.

The final point I wish to make is simply this: We have been on the Defense authorization bill now for 2 weeks—14 days. We were on it for many days a couple months ago, until the bill was pulled. There has been a lot of criticism, especially by my colleague, the ranking member on the Armed Services Committee, who has made the point that the time is long past that we should have passed this Defense authorization bill, which contains so many important elements for our troops—the pay raise for the troops, the wounded warrior legislation, and other important elements that are critical for our Armed Services.

For us to continue to simply use this bill as a vehicle to deal with endless resolutions dealing with Iraq—I gather there are a couple more that are on the way—is a misuse of the legislative process and of this important piece of legislation.

So I hope my colleagues would conclude one of these days that we have to pass the Defense authorization bill for the good of the troops and stop this endless debate about trying to change our policy or missions in Iraq. We have had that debate over and over and over again. We are going to have it again in the future. But let's not let it dominate everything we do in this body. I hope we can get on to the final passage on the Defense authorization bill soon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask to be recognized for 5 minutes in morning business.

The ACTING PRESIDENT pro tempore. The Senator has that right.

Mr. GRAHAM. Mr. President, I would like to add my voice to what Senator KYL has echoed. There are two votes today—I hope sometime today—and one is about whether we should adopt a resolution designating the Iranian Revolutionary Guard as a terrorist organization. I think that would be a pretty easy vote for most of us, given the evidence out there about their involvement in international terrorism, particularly the Quds Force, which is sort of a subsidiary, regarding our troop presence in Iraq.

The question, I guess, we need to ask ourselves is: Why would the Iranian Government, through the Quds Force and other organizations, be sponsoring militia groups that are trying to kill Americans in Iraq?

There is a purpose for everything. I know why we are there. From my point of view, we are there to try to stabilize a country in a post-Saddam Hussein era that would allow the three groups to live tolerantly together and be an ally in the war on terror, be a place to check Iran, and deny al-Qaida a safe haven, and it could be a model for future Mideast expansion of representative government and the democratic process.

What would Iran be up to? My belief is the reason the Iranian regime is so hellbent on making sure the Iraqi experiment in tolerance fails in representative government—from a theocracy point of view, from the Iranian Government's point of view, the biggest nightmare for them would be a representative government in Iraq on their border. So they are not going to give that to the Iraqi people without a fight. They certainly are not going to give it to us without a fight.

We need to realize we are in a proxy war with Iran over the outcome of Iraq. For those who have determined this is a civil war only in Iraq, that the outcome is about who runs Iraq, I think you misunderstand the role Iran is playing. Iran is trying to shape Iraq in a way not to be a threat to the theocracy in Iran. They are trying to shape Iraq in a way that would be detrimental to our long-term national security interests. They are trying to be able to say to the world they stood up to America and drove us out. They are trying to expand their influence by defeating us in Iraq and in trying to destabilize their representative form of government, which would, again, be a nightmare.

So this resolution designating the Iranian Revolutionary Guard as a terrorist organization is well founded based on the evidence that is being gathered against this organization. There is more to come. I have had a chance to be over in Iraq a couple times now looking at some cases involving Iranian involvement with the killing and kidnapping of American soldiers. So there is more evidence to come about Iran's involvement in trying to kill Americans and destabilize this representative government in Iraq.

Now, the second resolution is: What role should we play in dictating the outcome of this representative experiment in government in Iraq? I have great respect for Senator BIDEN. I think it is ill advised for us in the Senate to be adopting a resolution basically dictating or trying to give our sense of what should happen in Iraq because that destroys the whole underpinning of what we are trying to do.

The idea that the three groups can live separate and apart from each other without regional consequences is unfounded. The Shias, who wish a theocracy for Iraq, could never achieve that goal without pushback from their Sunni Arab neighbors. The Kurds, who wish to have an independent Kurdish state in the north, are going to run right into the teeth of Turkey. The Sunnis, who wish for the good old days of Saddam where they ran the country—that is never going to happen. The region is not going to allow that to happen.

So at the end of the day, I believe the effort to reconcile Iraq in central Baghdad will be successful not by a sense-of-the-Senate resolution but by a desire and sense of the people of Iraq. The one thing I have learned from my last visit is that local reconciliation in Iraq is proliferating because people are very much tired of the killing. They are war weary. There is a suicide bomber wave going on right now against reconciliation efforts in Diyala Province, where 21 people were killed who were meeting to reconcile that province.

So al-Qaida is alive and well in Iraq. They are greatly diminished, but they show up where reconciliation is being discussed. The reason they show up where reconciliation is being discussed is because their big nightmare is to have Iraq come together and a woman to have a say about her children and Sunnis and Shias and Kurds living in peace and rejecting their extremist view of the Koran.

So the players in Iran and al-Qaida are very much pushing back hard. The question for this country is, Will we stand up to them and push back equally hard and stand by the moderate forces in Iraq, imperfect as they may be?

So I hope one amendment is adopted, designating the Iranian Revolutionary Guard as a terrorist organization. I hope the other amendment, trying to give our sense of what to do in Iraq from the Senate's point of view, fails and we allow the Iraqi people to work out their problems with our help but insist they get on with it.

So with that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask to proceed in morning business for 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator has that right.

Mr. GREGG. Mr. President, as I understand it, morning business on our side has been extended to 10:35.

The ACTING PRESIDENT pro tempore. The Senator has 8 minutes 45 seconds.

Mr. GREGG. Thank you, Mr. President.

FORUM FOR THE PRESIDENT OF IRAN

Mr. GREGG. Mr. President, I rise as an alumni of Columbia College to ask a question which I suspect is on the mind of a lot of the alumni of Columbia College and probably a lot of average Americans wandering around the country, which is, why did they create a forum for the President of Iran in a way that basically almost made him look like a sympathetic figure because of the actions of the President of the college? Open dialog on our campuses is important. We all recognize that. In fact, it is the essence of a good education. Columbia has a strong history, ironically, of having an extraordinary curriculum called a core curriculum which requires you to study all sorts of subjects whether you want to study them or not so that you gain knowledge in a variety of different areas and are exposed to a variety of different areas.

I have always believed that core curriculum was one of the great strengths of the college and was certainly one of the things I most enjoyed while I was there. So open discussion and having people on the campus who have an opinion which is antithetical to the values of our society is, I suppose, reasonable. But you have to put it in the context of what other discussion is allowed on our allegedly elite university campuses or even some campuses which are maybe Ivy League; that is, if you have a view which is conservative and you happen to want to express that opinion, you are quite often limited as to your ability to speak on those campuses. I, for example, suspect it would be very hard to get a date for Donald Rumsfeld to speak at Columbia. I suspect it would be probably even more difficult to get a date for the President of the United States to speak at Columbia. I am absolutely sure the Vice President of the United States would never be invited to speak at Columbia.

So one has to ask the question, Why did they decide to give a forum to an individual who is running a government of a country, the purpose of which is to develop a nuclear weapon, which nuclear weapon and weapons will be used to threaten world stability and clearly threaten their neighbors in the Middle East? Ahmadi-Nejad has said he intends to eliminate Israel. In his speech yesterday, he affirmed his view that the Holocaust was a theoretical event, maybe never happened—an absurd statement. Yesterday, he went so far as to even describe his whole society as having nobody of a homosexual persuasion. He is leading a terrorist nation, or a terrorist government—the nation itself isn't terrorist, I suspect—but a terrorist government which is in the process of arming people in Iraq who are killing American soldiers. Yet Columbia invites him and gives him a forum in which to spread his values, to the extent you can call them values, or his views. It seems ironic and inconsistent and highly inappropriate in the context of what Columbia would not allow in the area of open discussion, which would be to have, for example, the Vice President of the United States speak, I suspect.

Then, to compound this error—the President of Iran is going to have his forum today at the U.N. Columbia did not have to give him an additional forum—but to compound that error, the president of the university was so egregious in the way he handled the situation, in my opinion, that he actually almost made the President of Iran look somewhat sympathetic, which is almost impossible to do. The attitude of arrogance and officiousness and the posturing of positions and questions by the president of Columbia in a way that basically gave Ahmadi-Nejad the opportunity to basically respond as if he were being coherent—because the questions and the attacks were so aggressive in a way that was arrogant and inappropriate, even in dealing with

somebody like Ahmadi-Nejad—was a startling failure of leadership at the university by the president of the university.

As an alumni, I was embarrassed, to put it quite simply. I was embarrassed by the fact that they would choose to give this individual such a forum, this individual who will probably, for my children, my children's children, and maybe even our generation, be the most significant threat to world peace that we have as soon as he develops his nuclear weapon, which he is on course to do, and then to compound that by setting up the forum in a way where the president of the university basically went way beyond what would be considered to be a coherent and thoughtful and balanced approach to addressing this individual. It would have been much more effective had the president of the university simply allowed the President of Iran to make his statement and, by his own statement, indict himself because that is exactly what he would have done, and he did. But, unfortunately, rather than the President of Iran becoming the issue, which he should be, the president of the university made himself part of the story and the issue.

It was not a good day for Columbia or for alumni of Columbia, in my humble opinion, and it speaks volumes about the level to which the universities in our country, especially those which proclaim themselves elite, have sunk in the area of setting up open and free dialog because, as I said, as has been seen in various universities across this country, conservative thought would not have been given the type of forum this militaristic individual, whose purpose it is to essentially destabilize the world through the use of nuclear weapons, was given. Others would not be given such a forum.

So it is with regret that I rise today to ask why—again, why—why did Columbia pursue this course and why did the president of the university pursue the course he pursued in responding to the attendance of the President of Iran on his campus?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

EXTENSION OF MORNING BUSINESS

Ms. STABENOW. Mr. President, on behalf of the leader, I ask unanimous consent that the time for morning business be extended to 11:45 a.m. today under the same conditions and limitations as previously ordered.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REAUTHORIZATION OF CHILDREN'S HEALTH INSURANCE PROGRAM

Ms. STABENOW. Mr. President, I rise today to speak about a very important and very positive issue we are going to be addressing and sending to the President this week; that is, the reauthorization of the children's health care program. This is really a historic, bipartisan effort that has been put together, and it is something we have done together for all of our families and children across America.

We urgently need to pass this bill in its final form and send it to the President of the United States. I know the House of Representatives is doing that today, and it will then come to us. There is no question that it is one of the most important things we will do this year, not only guaranteeing that some 6 million children who currently receive this children's health care program will be able to continue to get health care, but we will be expanding upwards of another 4 million children who will be able to have the health care they need and deserve.

I wish to particularly thank leaders on the Finance Committee, including Senator BAUCUS, Senator GRASSLEY, Senator ROCKEFELLER, and Senator HATCH, for working together in such a wonderful way that has given us the opportunity in the Senate to come together, with the original vote on the bill being 68 Members of the Senate—68 Members of the Senate. In addition to that, we are so thrilled to have Senator JOHNSON back with us so that his vote will be added as well to this very important program.

I also thank our leader, Senator HARRY REID, for making this a top priority and for personally engaging in the negotiations that took place to be able to get us to the point where we have something on which we can move forward in the House and the Senate in a bipartisan way.

This really builds on the bipartisan spirit that created the whole program in 1997. I was in the U.S. House of Representatives representing mid-Michigan at the time and felt that as we put this program together then, it was an incredibly important statement of our values and our priorities. We are talking about working families, moms and dads who go to work every day to maybe one, two, or three jobs who are trying to hold things together and desperately want to make sure their children have the health care they need. That is what this legislation is all about. That is what this program is all about.

Among many good things that have been placed into this bipartisan legislation, I am very proud to say that it makes important improvements in dental care and in mental health care for children. It looks at quality issues and health information technology. I am very pleased that language which I authored concerning creating an electronic medical record for children, a pediatric electronic medical record, is in this legislation so that we can bring children's information together around immunizations and other kinds of health care needs in one place so we can more effectively have them treated and have doctors and hospitals knowing what, in fact, a child's medical record is. I am also very pleased about another piece of the legislation I worked on in relation to school-based health centers and the importance of recognizing them as part of a continuum of care for children.

This bill really does represent a very successful public sector and private sector partnership that helps our families and makes sure more children, children of working families, are able to get health care in this country. In my State of Michigan, a private insurer runs what we call the MIChild Program. Last year, nearly one-third of the children in Michigan relied on either Healthy Kids through Medicaid for low-income children or MIChild, which represents working families, for health care coverage. About three-quarters of the children have at least one working parent. I must say that oftentimes that is mom—mom trying to, again, work one job or two jobs or three jobs, desperately concerned about her children, needing to put food on the table, needing to buy them school clothes, needing to get them what they need to be able to survive and function every day, and knowing that when they desperately need to go to the dentist, they are able to get a dental checkup, or to be able to get basic kinds of health care.

I know too many people who tell me they go to bed at night saying: Please, God, don't let the kids get sick. This program in Michigan, MIChild, and this program which we are now coming together on a bipartisan basis to expand says to those parents: Somebody is hearing you; that we as a country and as a Congress care about the children of this country and making sure they have their health care needs met.

It is so important to stress that this is not a program for wealthy families, for rich kids. We have heard so much misinformation about what this program is all about. In Michigan, a family of four cannot make over $40,000 to qualify for MIChild. This is, again, a family of four. If there are two working parents, working just barely above poverty level, this allows them to be able to get the health insurance they need for their children.

The Saginaw-based Center for Civil Justice shared a story with me about a young mother named Christie whose husband was laid off and the family income dropped to less than $2,000 a month for a family of five—less than $24,000 a year for a family of five. Nearly half of that goes to rent and utilities, like most families. The children's health care program in Michigan, MIChild, has helped their three children, who are 4 years old, 3 years old, and 8 months. Thankfully, they have been able to—in Michigan, we have had a dental benefit, which is something we are going to provide through this bill. Without that, Christie's children would not have what they need.

Recently, one of the children needed to have their tonsils removed. I remember those days with my children. It would not have been able to be done—it could have turned into a much more serious situation for that child—if it was not for the children's health care program. It makes a difference in children's lives every day.

Another mom, Pam, is a full-time preschool teacher and mother. Her monthly premiums of $384 per month, or over $4,500 per year, would have taken up a fifth of her pay if she was trying to pay through a private individual plan.

But through MICild, she was able to get the specialized care she needed for her daughter, who suffers from a rare seizure disorder. She would not have been able to care for her daughter if it were not for the children's health care program.

Like Pam, most working families simply cannot afford traditional health insurance and make ends meet—to be able to pay rent, utilities, a mortgage payment, or purchase food and school clothes, and, on top of that, find an individual policy that is affordable in the private market. According to the Commonwealth Fund, nearly three-quarters of people living below 200 percent of the poverty line found it very difficult or impossible to find affordable coverage in the individual market. Premiums for individual market coverage for families with incomes between 100 percent of poverty and 199 percent of poverty—which is what we are talking about and what we have in Michigan—on average, one-quarter of the family's total income—25 percent—would be premiums for health care in the private market. Faced with these costs, many families just don't have the coverage because they cannot afford to do it and at the same time put food on the table. The situation is even worse for families with chronic conditions, such as asthma or juvenile diabetes. If they were able to purchase coverage in the individual market, costs would be much higher.

The children's health program, it is important to note, is not just for kids in cities, it is not just an urban program. This program helps all children regardless of where they live. In fact, according to the Carsey Institute, they found that there were more children in rural areas who were benefiting from the Children's Health Insurance Program than in urban areas—32 percent of rural children versus 26 percent of urban children. So this really is something that touches every single part of the country, every single part of our States, and families all throughout America who are working hard every day and counting on us to help them to be able to get the children's health care they need.

We are taking a huge step forward for our Nation's uninsured children, the vast majority of whom—78 percent—live in working families. Seventy-eight percent live in a home where mom and/or dad is working, but they are not making enough to be able to afford private premiums in the private individual market. Because the importance of the children's health care program is so critical for so many families, I urge my colleagues not to listen to inaccurate statements or negative attacks but to join together, as we have done, in a wonderful bipartisan effort in the Senate to send a very strong message to this President that we come together on behalf of the children and the working families of America to put our values and priorities in the right place. That is what we are talking about here. This is about choices, about values, about priorities.

This bill is totally in line with what President Bush proposed at the 2004 Republican Convention. He said at that time:

> In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for Government health insurance programs. We will not allow a lack of attention, or information, to stand between these children and the health care they need.

Well, Mr. President, this bipartisan compromise, this bipartisan victory which has been put together in the Congress is an aggressive effort to enroll millions of poor children into a successful public-private partnership. This bill before us is a chance to make a real difference in the lives of millions of children—millions of children who, without us and the children's health care program, will not have that chance.

We need to do the right thing. Every day, as we wait, children are growing; they don't wait for us. They keep on growing whether we are debating, whether we are in committee meetings. Regardless of what we are doing, the children of America keep on growing. They keep on having needs—dental or broad health care needs or mental health needs. It is time to do the right thing. We have it within our grasp. A tremendous amount of hard work has gone into this. Let's remember the bipartisan spirit that created this great program in 1997. Let's remember that the Children's Health Insurance Program is truly a great American success story for which we can all take credit. We can join together in taking credit for it.

Let's pass this bill and, most importantly, let's together urge the President of the United States to do the right thing on behalf of the children of America.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank Senator STABENOW, my friend from Michigan, for the comments about children's health. She is right-on about that. Look at the choice. We are going to spend $2.5 billion a week in Iraq. Yet we are unwilling per year to spend $7 billion to insure 4 million additional children—some 75,000 in my State and 50,000 or 60,000 in the State of Michigan next door. We are spending $2.5 billion a week in Iraq. Yet the President says he is going to say no and veto this bill on children's health.

TRADE POLICY

Mr. BROWN. Mr. President, our Nation's haphazard trade policy has done plenty of damage to Ohio's economy, to our workers, to our manufacturers, and to our small businesses. Recent news reports of tainted foods and toxic toys reveal another hazard of ill-conceived and unenforced trade rules. They subject American families and children to products that can harm them, that in some cases have even killed them.

From pet food to toothpaste, from tires to toys, news stories almost every day highlight the consequences of our Nation's failed trade policy. Countries such as China lack basic protections we have come to take for granted. Given the well-known dangers of lead, particularly for young children, our Government banned it from products such as gasoline and paint in the 1970s. Yet our trade policy is turning back the clock on the hard-fought safety standards that keep our families and our children safe.

What happens should come as no surprise. When we trade the way we do, when we bought $288 billion of products from the People's Republic of China last year and $288 billion this year—it will probably exceed $300 billion—and we are trading with a country that doesn't have close to the same safety standards for its own workers or safe air or drinking water standards for its own water, why would we expect them to sell safe products to our country?

It is compounded by the fact that companies, such as Mattel say to the Chinese contractors: We want you to cut costs. Lead paint? Use it; it is cheaper. Cut corners so we can save money.

It is no surprise because American corporations have pushed the Chinese to cut costs, and at the same time China doesn't have fair labor standards, clean air, and safe drinking water standards for their own people. Of course they are going to sell products back to our country such as contaminated toothpaste and pet food and dangerous toys with lead-based paint on those products.

Our trade policy should prevent these problems, not invite them. Despite the real and present danger from Chinese imports, we must not focus solely on consumer threats from China. The real threat is our failed trade policy that allows recall after recall. The real threat is our failure to change course and craft a new, very different trade policy. The real threat is this administration's insistence on more of the same—more trade pacts that send U.S. jobs overseas, more trade pacts that allow companies and countries to ignore the rules of fair trade, more trade

pacts that will mean more tainted products in our homes, more dangerous toys for our children, and more recalls for our businesses.

The administration and its free-trade supporters in Congress are gearing up for another trade fight. They want to force on our Nation—a nation that in November, in Montana, Ohio, and across the country, demanded change—more job-killing trade agreements with unreliable standards. Free-trade agreements with Peru, Panama, Colombia, and South Korea currently being debated in Congress are based on the same failed trade model.

This week, the Peru trade agreement is at the forefront of the debate between fundamentally flawed trade models—more of the same—and the fight for fair trade. We want more trade, plenty of trade; we just want fair trade, different rules.

The Peru free-trade agreement, like NAFTA, while it has some improvements over that, puts limits on the safety standards we can require for imports. FDA inspectors have rejected seafood imports from Peru and Panama—major seafood suppliers to the United States. Yet the current trade agreement, as proposed—the Bush administration's Peru and Panama agreements—limits food safety standards and border inspections. What has happened already is where, frankly, we have bought too many contaminated products, contaminated seafood imports, and whatever problems we have, this trade agreement will make it worse because this agreement will limit our own food safety standards and border inspections. Adding insult to injury, the agreements would force the United States to rely on foreign inspectors to ensure our safety. We have seen how well that worked with China.

It is time for a new direction in trade policy. It is time for a trade policy that ensures the safety of food on our kitchen tables and toys in our children's bedrooms. It is time for a trade policy that creates new businesses and good-paying jobs at home instead of a trade policy that encourages companies to outsource and move overseas. It is time for a trade policy that puts an end to the global exploitation of cheap labor.

The voters in November shouted from the ballot box, demanding a new trade policy. Their resounding call for a new trade policy put Members of Congress on notice that their trade votes in Washington matter to voters back home.

With Peru, Panama, Colombia, and South Korea, voters in my State of Ohio and across the Nation are watching these trade debates. Everyone agrees on one thing: We want more trade with countries around the world, but first we must protect the safety and the health of our families and our children.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

PRESIDENTIAL VISIT

Mr. BROWNBACK. Mr. President, I want to talk on two issues with my colleagues. One is about Iran. The President of Iran is now in the United States. Mahmud Ahmadi-Nejad is in the United States enjoying liberties here that are not enjoyed in his home country by his fellow citizens. I want to make a point of that. I want to talk about what he has said and what he has done. I think there is a substantial difference. I want to point out that we should pass the Lieberman-Kyl amendment regarding the designation of terrorist organization by—that the IRGC be designated as a terrorist organization. Finally, I will wrap up with a discussion about the Biden-Brownback amendment on federalism in Iraq, which I think would be very important.

President Ahmadi-Nejad took advantage of the freedoms we enjoy to spread lies in the United States. I believe his appearance was disgraceful. I think the things he is saying are outright lies—what he is saying versus what he has done. He looked his audience in the eye and he lied. He knew he was telling lies, and the audience knew it.

Let's talk about the real truth inside Iran. I want to speak about what is taking place there.

I have chaired the Middle East subcommittee in the past. I have worked on issues regarding Iran. We have worked to secure and have secured funding for civil society development inside Iran. I worked with a number of Iranian dissidents who have been forced out of that country. We have seen it taking place on the news.

President Ahmadi-Nejad is enjoying liberties now in this country that are not available to his people. It would be easier to spend time in his own country developing these same civil liberties for individuals and renouncing terrorism rather than trying to go to the World Trade Center site where terrorists killed so many of our citizens.

President Ahmadi-Nejad and Ayatollah Khamenei are not trustworthy leaders. The Iranian people do not enjoy freedom of speech. Their people do not have a free press. The Iranian Government represses women and minorities. They do not tolerate religions other than their own extreme version of Shia Islam.

For example, consider the Baha'is of Iran. Since 1979, the Islamic Republic of Iran has blocked the Baha'is' access to higher education, refused them entry into universities and expelled them when they are discovered to be Baha'is.

Recently, a 70-year-old man was sentenced to 70 lashes and a year in prison for ''propagating and spreading Bahaism and the defamation of the pure Imams''—a 70-year-old man, 70 lashes, a year in prison.

We must stand with the teachers who are getting purged from academic institutions in Iran for speaking their minds, with the Iranian-American scholars who are being arrested on trumped-up charges, and with newspaper editors who refuse to censor according to Government demands.

Isn't it amazing that President Ahmadi-Nejad would see that taking place in his country and yet come here to enjoy our civil liberties of freedom of the press, freedom of assembly, to speak his mind when he cannot do it in his country? We should be reaching out to the students, the labor activists, and the brave leaders of Iran's fledgling civil society and offer our support for their views and for an open society in Iran. It is not only a moral imperative, but I believe it is also in the strategic interest of the United States and of people of civil societies in the West and throughout the world.

This context is important as we consider the amendment offered by Senator LIEBERMAN and Senator KYL. Yesterday Ahmadi-Nejad claimed that Iran is a free country, where women are respected and life is good for the Iranian people. We know this is not true.

Yesterday, we also heard from Ahmadi-Nejad that Iran does not want to attack Israel, that it is not meddling in Iraq and Afghanistan, and it does not want a nuclear weapon. We know this is not true. They are meddling in Iraq, attacking our troops with weapons developed in Iran. They have held conferences stating a world without Israel, a world without the United States.

Iran's leaders would say the IRGC is not a threat, but we have no reason to believe them. In fact, we know the IRGC is killing our soldiers in Iraq. It is working with Hezbollah in Lebanon and it is present in other countries around the world advancing the agenda of the Supreme Leader in Iran.

The IRGC is the very definition of a terrorist organization, and Iran as a nation is the lead sponsor of terrorism around the world. The IRGC should be designated formally as a terrorist organization so that the full power of the American Government can be applied to combating its activities. The IRGC is not a normal military arm of a sovereign government. It is the operational division of the world's most dangerous state sponsor of terrorism. If we think of terrorism as a threat, we must designate the IRGC as a terrorist organization.

I hope the President of Iran will renounce terrorism and the support for terrorism today, although I know he will not.

POLITICAL SURGE IN IRAQ

Mr. BROWNBACK. Mr. President, on another matter on which we are going to be voting shortly, the Biden-Brownback amendment, I wish to show this map of Iraq. I note to my colleagues in the time I have, when President Bush saw the military situation was devolving on the ground and was moving toward civil war, he called for a military surge. He said: It is not working; we are not getting control; we

need more troops. I had difficulty with that decision. I questioned whether it would work. But I think one has to say this has worked, that it has calmed down much of the situation. We don't know for what period of time. It certainly has produced a lot of results in Anbar Province.

I was at Fort Leavenworth in Kansas yesterday meeting with a number of key leaders in the military who have been in and out of Iraq several times. They were quite pleased with the number of positive events moving forward in Iraq with the military situation.

If we look at the GAO report of what is taking place on the political situation in Iraq where there has been a military surge, when the military surge has produced results, what I am contending now is we need a political surge. The military situation is more stable. It is certainly not completely stable in Iraq, but it has produced an environment where we need a political surge, and the current political setup is not producing that situation.

When the military situation was not producing results, we made changes. The political situation is not producing results, and I suggest we have to have changes in this situation as well. We did not hesitate to move forward with a U.S. strategy on keeping a civil war from going full blown in Iraq. We should work now with a political surge in Iraq because this current situation is not working. Two weeks ago, when General Petraeus and Ambassador Crocker testified, the focus was on General Petraeus when I think the focus should have been on Ambassador Crocker.

As we see in the GAO assessment, the Iraqi Government has met 3 benchmarks politically, partially met 4 benchmarks, and did not meet 11 of the political benchmarks that we in Congress had set and that the administration had gone along with and said, yes, those are realistic. Out of 18 total, 11 have not been met at all, 4 partially met, and 3 met. That is not working politically.

I am showing a map of Iraq under the Ottoman Empire. It is broken into three categories, referred to as Mesopotamia at that point in time—Shia south, Sunni middle, and Kurdish north, with Baghdad as a federal city. They had it broken into three states. My point in saying this is—and the Chair will recognize this as he was raised in farm country, raised on a farm—you can work with nature or you can fight it. My experience is you are a lot more successful when you work with it than try to fight.

There is a natural setup in Iraq. There are divisions which people have lived with and in for a long period of time. We can try to force the whole country together and hold it together with a strong military force, or we can recognize these difficulties and say we are going to work with this situation. And we have in the north, in the Kurdish portion of the country. We said the Kurds run the Kurdish portion.

I was up there in January. It is stable, growing, with investments taking place, people moving into the area, the exact situation we want to see taking place across all Iraq. Wouldn't it be wise at this point in time to allow a Sunni state to develop, still one country, but devolving the power and authority more down to a state level of government and have the Sunnis have a police force and a military in their region, and the Shia doing the same in their region so they trust the structure, so they are willing to work with us?

This is a political structure that can meet some benchmarks we set and others set. Why would we be hesitant putting in a political surge and pushing? We were not hesitant about pushing a military surge and pushing that piece of it. I don't see why we wouldn't do a political surge.

This is a map of Bosnia-Herzegovina. This was before the Dayton accords and then after the Dayton accords. This is a very diverse map of what was taking place. This is the former Yugoslavia. We can see the different ethnic groups. We can see them spread around.

I now wish to show a map of what took place after the ethnic sectarian buttons were pushed and you had people sorting out, you had people moving to various parts to feel more comfortable and more secure, and this sorted out.

Then we saw the Bosnia-Herzegovina lines under the Dayton peace agreement that the United States pushed. It was a political agreement because the people on the ground could not agree to this themselves. This is something they could not deal with on their own because their own people would say we don't trust these guys or we don't trust those guys, we can't deal with them. We had to go in with a very aggressive military force that is still sitting there to enforce an agreement that was uncomfortable on the ground. We came in with a political surge to say: OK, this is something that should take place. We forced the parties to come to an agreement, and they have been at relative peace. There have been different breakouts. There is tension in the region. We still have troops in the area, as many others do, 15 years later, but this has maintained a relative peace.

I wish to show a map of Baghdad now. My point in saying that is, at times in these types of situations, I believe we have to have a U.S. push for a political surge. I am suggesting that we have a well-known, well-regarded policy person—maybe a Jim Baker, maybe it is Condoleezza Rice, maybe it is Colin Powell—who goes over and knocks out the agreement between particularly the Sunni and Shia who have not been able to get along. The Sunnis have run the country for a century, but they are in the minority. They think they still ought to run the country, but that is not going to happen. The Shia who are in the majority are not confident at all that the Sunnis are not coming back to run the place again, and they don't trust them.

We see ethnic splitting. This is a map of Baghdad. The Tigris River runs through the middle. This is purifying more Sunni and more Shia. The hash lines to the left are Shia purifying, and Sunni purifying on the other side, and a lot of people moving out of this region.

This makes all the sense in the world. Instead of trying to fight against this situation and trying to force Sunni and Shia together into one government that has a strong centralized government, we are only going to get a weak Shia government because the Kurds and the Sunnis are not going to agree with a strong Shia government, and we devolve the power and authority mostly out to the states and let them run it. We would have the Sunnis running their region and the Shia running their region in Baghdad. That is a way we can work with the natural setup of the situation. That is what we are calling for in the Biden-Brownback amendment. It has a number of cosponsors from both sides. It is a political surge that recognizes the realities on the ground and says this is something that can produce results in keeping with what we are doing militarily in trying to give the political environment a setting in which it can work.

This current political setup is not going to work. It has not produced results. It has not produced results to date. It is unlikely to produce results in the future. I think it has failed as a political structure. We have seen a portion of this already work in the northern region, in the Kurdish region where the Kurds run their area and it is stabilized and moving forward. That is why I urge my colleagues to look at this amendment. This is a positive step on our part. It is a positive step for the Iraqis.

Some of my colleagues believe it is the U.S. dictating to them what they ought to do. I contend in the Dayton peace agreements we pushed awfully hard. They still had to make the decision, as the Iraqis will. I also believe because of these ethnic sectarian divisions that have existed for some period of time, that unless an outside force comes in and pushes aggressively, these things are unlikely to happen because the leaders are not going to be able to lead their people voluntarily; it is going to have to be something with some push.

We are going to have to work with the nations in the region as well to make sure the people we worked with a lot—the Saudis and Jordanians, in particular, and others within the region as well—are supportive of this plan. We have to assure them that Iraq will remain one country. One of the points they have all been adamant about is that Iraq remain one country. It would remain one country, as Bosnia-Herzegovina has remained one country, although it is split into two states.

We can do this. It is a positive step. It is a bipartisan step on a topic that certainly could use a little bipartisanship. We haven't had much on Iraq. That is the way we overall lose in a situation, when we split here. If we will stand together here, we will not lose over there. We need to start pulling people together around some sort of common idea and not say: Well, because it is a Democratic idea, I guess we can't do it, or because it wasn't proposed by certain individuals, we aren't going to do it.

Let's pull together. This is something that can and will work, and it is something we need to do because if we can get this situation to stabilize, we can start pulling our troop levels back. I do not believe we will pull our troop levels completely out of Iraq for some period of time, just as we are still in the Bosnia region for some period of time. We can pull our troop levels back, certainly pull them back to the Kurdish, Sunni, and Baghdad to keep as a stabilizing force for some years to come, but not losing troops on a daily basis and we will be able to get those troop levels down.

This is something we can work on in a bipartisan way and get us pulling together and get us into a stable political environment. It is not a perfect solution. There isn't a perfect solution that exists. I think it is a far better one and far more likely to produce political results on a benchmark basis of stability that we can work with and that we can then move forward in facing other more difficult situations, other equally difficult situations in the region, as I started off talking about—Iran, the lead sponsor of state-sponsored terrorism, which is one we have to address with what they are doing in the region.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LITTLE ROCK NINE

Mr. DURBIN. Mr. President, today marks an important anniversary in America's continuing efforts to create a truly just and more perfect Union. It was 50 years ago today—50 years—that nine courageous high school students in Little Rock, AR, stood up to a jeering, threatening crowd, the Arkansas National Guard, and their own Governor to claim their fundamental right for equal educational opportunity.

I can still recall as a child, seeing that scene on black-and-white television, a scene that has been replayed so many times, watching those students as they walked through that gauntlet of hate into a high school. High school, for most of us, was a joyous experience, a happy experience. For many of these students, their high school career began with fear.

These young people, not chosen by any scientific method but almost by chance, came to be known as the Little Rock Nine. Thankfully, it is hard for many Americans to understand what courage it took for them to walk into Little Rock Central High School in 1957. You know what it took? For those kids to walk into that high school, it took an order from President Dwight David Eisenhower, the protection of the U.S. Army, the extraordinary legal talents of future Supreme Court Justice Thurgood Marshall, and daily guidance from caring adults such as Daisy and L.C. Bates. Above all, it took the daily faith and courage of those nine young kids and their families.

The crowds who surrounded Little Rock Central that day may have disappeared after a few tense days, but the taunts and threats to those nine students continued for the entire school year. In the end, those nine young students became America's teachers. They showed us and they showed America how we could live closer to our ideals.

Although their names will always be linked first and foremost with Arkansas, the people of my State are proud that four of the Little Rock Nine went on to college in Illinois. Gloria Ray Karlmark earned a mathematics degree from the Illinois Institute of Technology in Chicago. Three of the Little Rock Nine earned degrees at Southern Illinois University, a great university in my State, which prides itself on having opened its doors and cast away any racial prejudice very early. It became well known throughout the African-American community as a place where higher education was available for those African-American students who were striving to better themselves.

Minnijean Brown Trickey graduated from Southern Illinois University and went on to a distinguished career in education, social work, and public service that included serving in the Clinton administration as a Deputy Secretary at the U.S. Department of the Interior.

Dr. Terrance Roberts earned a master's degree and a Ph.D. in psychology from SIU. Today, he is a professor and practicing psychologist in California.

Thelma Mothershed Wair earned a B.S. and a master's degree in guidance counseling from SIU, married a fellow SIU student from my hometown of East St. Louis, and served as an educator and an inspiration in the East St. Louis school system for 28 years before she retired.

A lot has changed in America over the last 50 years. Little Rock Central High School remains one of the best, most challenging high schools in Arkansas. Today, it has an African-American student body president. Other communities that were once deeply divided by race—and not all of them in the South, I might add—have changed as well.

In my home State, my Land of Lincoln, a few weeks ago I visited a town I have come to know over many decades—Cairo, IL. Forty-five years ago, Cairo was a hotbed of Ku Klux Klan activism. In the land of Lincoln, in 1960, there was a white citizens council that was doing its best to keep Cairo a segregated town, many years after Brown v. Board of Education. The head of the white citizens council was the white states attorney for Alexander County. Similar to many southern towns, Cairo closed its municipal swimming pool rather than allow black and white children to swim together. Today, I am proud to tell you that the mayor, the city treasurer, and the police chief of Cairo are all African-American.

But the struggle for equal justice is not over. Last week, thousands of people from communities across America traveled by plane, car, and bus to Jena, LA, with a population of less than 3,000, to protest what appears to be separate and unequal justice. The facts in what has come to be known as the Jena 6 case sound disturbingly similar to so many cases from an era so many of us thought was long gone.

One year ago, some African-American students at Jena's public high school asked the school administrators if they could sit under a shade tree outside the school, and they were told they could. For years, that tree outside their school had been known as the ''white tree.'' By custom, its shade was for white students only. Days after African-American students dared to sit under that tree, nooses were hung from its branches—nooses. Local authorities dismissed that unmistakable reference to the terrorism of lynching as another youthful prank.

Over the next 2 months, tensions rose at the high school. A series of fights between black and white students escalated. Each time, black students were punished more severely than the white students who took part in the same fights. Finally, last December, six young men, all African-American, were arrested and charged with attempted murder and other serious felonies that could send them to prison for a collective 100 years.

The problem of unequal justice is not confined to the South, and it is not limited to race. It is easy to condemn yesterday's wrongdoing, but the Little Rock Nine had the courage to oppose injustice in their own time. In our time, few people still condemn the overt racism of Jim Crow and ''whites only'' drinking fountains, but many still excuse and justify discrimination and unequal justice based on such distinctions as national origin and sexual orientation.

I believe one day in the not-too-distant future, we will look back on these attitudes and wonder how we could have tolerated such discrimination and division.

It is good to reflect on times past, the heroes and heroines of those eras,

but also to reflect on what America was like, how people reacted to that scene in Little Rock, AR, and how they reacted to Dr. Martin Luther King. It is easy now, some 50 years later, to suggest everybody knew it was the right thing to do in Little Rock and that everyone understood Dr. Martin Luther King's message was consistent with our values as Americans. But we know better. We know America was divided—some cheering those students and some cheering the crowds.

We learn from experience. I believe in redemption, personal and political. I think as each of us makes mistakes in our lives, we are oftentimes given a chance to correct those mistakes. I think when our Nation has made a mistake, whether it is slavery or racism, we are given a chance to correct that mistake. Today, as we celebrate the 50th anniversary of the Little Rock Nine, let us reflect on how far we have come.

Melba Patillo Beals, a member of the Little Rock Nine, went on to a distinguished career as a journalist and author. In a book about her role in history, she wrote:

> If my Central High experience taught me one lesson, it is that we are not separate. The effort to separate ourselves—whether by race, creed, color, religion or status—is as costly to the separator as to those who would be separated. The task that remains is to see ourselves reflected in every other human being and to respect and honor our differences.

The best way we can honor the courage of the Little Rock Nine is to follow their example—to have the vision and the courage to confront the injustices of our time.

I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. WEBB. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. WEBB. Mr. President, I would like to express my concern about amendment No. 3017, the Kyl-Lieberman amendment, which among other things—and most troubling—would designate the Iranian Revolutionary Guard as a foreign terrorist organization under section 219 of the Immigration and Nationality Act.

I think we all have a great deal of concern about the activities of Iran. We as a nation have stood strongly and will continue to speak strongly about those activities. We have taken no options off the table. I fully support all of those precepts.

At the same time, I do not believe that any serious student of American foreign policy could support this amendment as it now exists. We know there are problems in Iraq. We are trying to decipher the extent of those problems as they relate to Iranian weapons systems and the allegations of covert involvement. We also know that in Iraq other nations are playing covertly. The Saudis, for instance, are said to have the plurality of the foreign insurgents operating in Iraq and the majority of the suicide bombers in Iraq. We also know there is potential for volatility in the Kurdish area of Iraq with respect to the relations with Turkey.

We are addressing these problems. In fact, the ''whereas'' clauses in this amendment speak clearly as to how our troops on the ground are addressing these problems.

I fought in Vietnam. We had similar problems throughout the Vietnam war because of the location of Vietnam, the propinquity of China. I think it can fairly be said that in virtually every engagement in which I was involved in Vietnam, we were being shot at with weapons made either in China or in Eastern Europe. There is a reality to these kinds of wars, and we are addressing those realities. But they need to be addressed in a proper way.

Probably the best historical parallel comes from the situation with China during the Vietnam war. China was a rogue state, had nuclear weapons, would spout a lot of rhetoric about the United States, and had an American war on its border. We created the conditions in which we engaged China aggressively, through diplomatic and economic and other means. And we have arguably succeeded, along with the rest of the world community, in bringing China into a proper place in that world community.

That is not what this amendment is about. The first concern I have, when we are talking about making the Iranian Revolutionary Guard a terrorist organization, is, who actually defines a terrorist organization? The Congress, to my knowledge, has never defined a terrorist organization. The State Department defines terrorist organizations. At last count, from the information that I have received, there are 42 such organizations that have been identified by the State Department in accordance with the laws the Congress passed.

Mr. President, I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CURRENT LIST OF DESIGNATED FOREIGN TERRORIST ORGANIZATIONS

1. Abu Nidal Organization (ANO)
2. Abu Sayyaf Group
3. Al-Aqsa Martyrs Brigade
4. Ansar al-Islam
5. Armed Islamic Group (GIA)
6. Asbat al-Ansar
7. Aum Shinrikyo
8. Basque Fatherland and Liberty (ETA)
9. Communist Party of the Philippines/New People's Army (CPP/NPA)
10. Continuity Irish Republican Army
11. Gama'a al-Islamiyya (Islamic Group)
12. HAMAS (Islamic Resistance Movement)
13. Harakat ul-Mujahidin (HUM)
14. Hizballah (Party of God)
15. Islamic Jihad Group
16. Islamic Movement of Uzbekistan (IMU)
17. Jaish-e-Mohammed (JEM) (Army of Mohammed)
18. Jemaah Islamiya organization (JI)
19. ai-Jihad (Egyptian Islamic Jihad)
20. Kahane Chai (Kach)
21. Kongra-Gel (KGK, formerly Kurdistan Workers' Party, PKK, KADEK)
22. Lashkar-e Tayyiba (LT) (Army of the Righteous)
23. Lashkar i Jhangvi
24. Liberation Tigers of Tamil Eelam (LTTE)
25. Libyan Islamic Fighting Group (LIFG)
26. Moroccan Islamic Combatant Group (GICM)
27. Mujahedin-e Khalq Organization (MEK)
28. National Liberation Army (ELN)
29. Palestine Liberation Front (PLF)
30. Palestinian Islamic Jihad (PIJ)
31. Popular Front for the Liberation of Palestine (PFLF)
32. PFLP-General Command (PFLP–GC)
33. al-Qa'ida
34. Real IRA
35. Revolutionary Armed Forces of Columbia (FARC)
36. Revolutionary Nuclei (formerly ELA)
37. Revolutionary Organization 17 November
38. Revolutionary People's Liberation Party/Front (DHKP/C)
39. Salafist Group for Call and Combat (GSPC)
40. Shining Path (Sendero Luminoso, SL)
41. Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (QJBR) (al-Qaida in Iraq) (formerly Jama'at al-Tawhid wa'al-Jihad, JTJ, al-Zarqawi Network)
42. United Self-Defense Forces of Colombia (AUC)

Mr. WEBB. The second concern I have is that we as a government have never identified an organization that is a part of a nation state as a terrorist organization. From the statement of the Senator from Connecticut yesterday, there are potentially 180,000 people in the Iranian Revolutionary Guard who are part of a military force of an existing state. Categorizing this organization as a terrorist organization is not our present policy of keeping the military option on the table. It is for all practical purposes mandating the military option. It could be read as tantamount to a declaration of war.

What do we do with terrorist organizations? If they are involved against us, we attack them. What is a terrorist organization? Traditionally, we have defined a terrorist organization as a nongovernmental entity that operates along the creases of international law and does harm to internationally protected people.

By the way, it is kind of interesting to note that last week the Iraqi Government claimed that Blackwater is a terrorist organization for the way it operates inside Iraq. I am not making that allegation. I am giving an example of how people categorize these groups.

The Revolutionary Guard is part of the Iranian Government. If they are attacking us, they are not a terrorist organization. They are an attacking army. But are they? I am not sure about that. If they were, we would be hearing some pretty strong expressions of support.

Last weekend we had Admiral Fallon, who is General Petraeus's operational commander, responsible for all of the nations in that region, not simply Iraq, saying:

I expect there will be no war and that is what we ought to be working for.

We should find ways through which we can bring countries to work together for the benefit of all.

This constant drumbeat of conflict is what strikes me—

Says Admiral Fallon—

which is not helpful and not useful . . . I expect there will be no war. . . .

We have General Petraeus, whose comments are widely quoted in the ''whereas'' clauses.

When he was testifying in front of the Foreign Affairs Committee in his official testimony, he did mention that Iran was using the Quds Force to turn Shiite militias into a Hezbollah-like force to fight a proxy war, et cetera. But then when he was asked a question about it, General Petraeus said: The Quds Force itself, we believe, by and large, those individuals have been pulled out of the country as have been the Lebanese Hezbollah trainers who were being used to augment that activity.

We have the statement of Prime Minister Maliki in today's Washington Post. He said: Iran's role in fomenting violence diverges from the administration's. His opinion. His government has begun a dialogue with Iran and Syria, according to him, and has explained to them that their activities are unhelpful. Our relations with these countries have improved, he said, to the point they are not interfering in our international affairs.

Asked about the Revolutionary Guard forces, which the U.S. military charges are arming, training, and directing Shiite militias in Iraq, Maliki said:

There used to be support through borders for these militias. But it has ceased to exist.

Now, I am not saying all of this is factually 100 percent right. I am not saying the other side is right. Here is what I am saying: We haven't had one hearing on this. I am on the Foreign Relations Committee, I am on the Armed Services Committee. We are about to vote on something that may fundamentally change the way the United States views the Iranian military, and we have not had one hearing. This is not the way to make foreign policy. It is not the way to declare war, although this clearly worded sense of the Congress could be interpreted this way. These who regret their vote 5 years ago to authorize military action in Iraq should think hard before supporting this approach, because, in my view, it has the same potential to do harm where many are seeking to do good.

The constant turmoil that these sorts of proposals and acts are bringing to the region is counterproductive. They are a regrettable substitute for a failure of diplomacy by this administration. This kind of rhetoric will only encourage the Iranian people to rally around bad leadership because of the fear of foreign invasion. Fear of the outside is the main glue that authoritarian regimes historically use when they face trouble on the inside.

Admiral Fallon agrees with this view. The Baker-Hamilton report was adamant about the need to engage these nations. The facts of our economy say so. Going back to the beginning of the Iraq war, in the fall of 2002, 5 years ago, oil was $25 dollars a barrel; it is $82 a barrel today. The price of gold was below $300, yesterday it was $740.

The value of our currency is at an all-time low against the Euro, at parity for the first time in 30 years with the Canadian dollar. This proposal is DICK CHENEY's fondest pipe dream. It is not a prescription for success. At best it is a deliberate attempt to divert attention from a failed diplomatic policy. At worst it could be read as a backdoor method of gaining congressional validation for military action without one hearing and without serious debate.

I believe this amendment should be withdrawn so we can hold sensible hearings and fulfill our duty to truly examine these far-reaching issues. If it is not withdrawn, I regrettably intend to vote against it.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, would the Chair have the bill reported that is now before the Senate.

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The PRESIDING OFFICER. Under the previous order, 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.

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.

Kyl/Lieberman amendment No. 3017 (to amendment No. 2011), to express the sense of the Senate regarding Iran.

Biden amendment No. 2997 (to amendment No. 2011), to express the sense of Congress on federalism in Iraq.

AMENDMENT NO. 2064

Mr. REID. Mr. President, I call for the regular order with respect to the Graham amendment.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 3035 TO AMENDMENT NO. 2064

(Purpose: To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes)

Mr. REID. Mr. President, I do have an amendment at the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KENNEDY, for himself and Mr. SMITH, proposes an amendment numbered 3035 to the language proposed to be stricken by amendment No. 2064.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk and ask it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment No. 3035 regarding hate crimes.

Gordon H. Smith, Chuck Schumer, Bernard Sanders, Robert Menendez, Sheldon Whitehouse, Frank R. Lautenberg, Hillary Rodham Clinton, Chris Dodd, John F. Kerry, Patty Murray, Barack Obama, Jeff Bingaman, Ben Cardin, Evan Bayh, Tom Harkin, Ted Kennedy, Dianne Feinstein.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate return to morning business, with Senators permitted to speak therein for up to 10 minutes each, and the morning business be until 12:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, because there is other business we are considering because of the October 1 date hitting us, we will likely attempt to go into morning business from 2:15 until we finish the event with Senator BYRD this afternoon. But we will come back at 2:15 and deal with that.

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. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess today from 3:30 to 5 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. today.

There being no objection, the Senate, at 12:22 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The majority leader is recognized.

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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant 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.

MOTION TO COMMIT

AMENDMENT NO. 3038

Mr. REID. Mr. President, I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to commit H.R. 1585 to the Committee on Armed Services with instructions to report back forthwith, with the following amendment numbered 3038:

The provisions of this Act shall become effective 3 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3039

Mr. REID. Mr. President, I send an amendment to the motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3039 to the motion to commit.

The amendment is as follows:

Strike ''3'' and insert ''2''.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3040 TO AMENDMENT NO. 3039

Mr. REID. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3040 to amendment No. 3039.

The amendment is as follows:

Strike ''2'' and insert ''1''.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that no further cloture motions in relation to this bill be in order for the remainder of the day.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, we understand there may be the proverbial side-by-side in relation to the hate crimes matter. This means the Republicans may file their own version of hate crimes, so we will work that out. This does not apply to that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I am going to ask unanimous consent that the Senate go into morning business. The managers of the bill may come and see if they can process some amendments, but we are not going to do that right now.

I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the real.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I understand we are in a period for morning business.

The PRESIDING OFFICER. The Senator is correct, a 10-minute period during which to speak.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. KENNEDY. Mr. President, sometimes the American people demand that Congress and the administration enact initiatives to address fundamental national needs. During the Depression, we enacted Social Security to see that seniors lived their later years with dignity. In the 1940s, we opened the doors to education for returning veterans through the GI bill. In the 1960s, we took action to see that seniors had quality health care, and the result was Medicare. In the 1990s, Democrats and Republicans, Congress and the administration, States and the Federal Government all worked together to help alleviate the crisis in children's health by enacting CHIP.

The success of each of these programs has echoed through the decades in the lives of millions of Americans. Today, we stand at a crossroads, faced with a choice with a path that will continue and strengthen the promise of good health and a strong start in life that CHIP brings to millions of children or whether we will turn away from that promise and curtail the help and the hope CHIP brings.

Many of the best ideas in public policy are the simplest. The Children's Health Insurance Program is based on one simple and powerful idea: that all children—all children—deserve a healthy start in life and that no parents should have to worry about whether they can afford to take their children to the doctor when they are sick.

CHIP can make the difference between a child starting life burdened with disease or a child who is healthy and ready to learn and grow. That is why CHIP has always enjoyed bipartisan support. This support goes back

to 1996 when Massachusetts enacted a State program that became one of the models of CHIP. The Massachusetts Legislature passed a bill to expand coverage for children and paid for it by increasing the tobacco tax in the State. When that program was vetoed by Governor Bill Weld, a majority of the Republicans in the State senate stood with the Democrats to override the veto.

I was proud to work closely with Senator HATCH to create the national Children's Health Insurance Program, and when CHIP went into effect across the country, among its greatest champions were Republican Governors who understood the importance of expanding health insurance for children in their States. Governor Leavitt in Utah and Governor Cellucci in Massachusetts were both champions of CHIP when they were Governors.

The question for President Bush today is why he would even consider rejecting a program that has long brought Republicans and Democrats together to help children.

CHIP allows parents to choose insurance for their son or daughter from a private insurance company. That is one of the reasons Republicans have long supported the CHIP program. Indeed, CHIP used the same private insurance model President Bush supported in creating the Medicare prescription drug benefit.

If Members of Congress and the administration really feel strongly that it is wrong for the Federal Government to support health care coverage, maybe they should start by giving up their own taxpayer-subsidized health care through the Federal employees program. If Members can take their children to the Attending Physician of the Senate, with all the benefits that affords, shouldn't all American children have access to quality health care too?

President Bush has argued that CHIP costs too much, but I will tell you what costs more: treating children in emergency rooms after their conditions have become severe. CHIP saves money and untold suffering by getting health care to our Nation's children before they are seriously ill.

CHIP is paid for by an increased tax on cigarettes, not by raiding the Treasury. That tax will itself save us countless dollars and lives by discouraging smoking. We have had extensive hearings in our human resources committee, the HELP Committee, about what happens when the cost of cigarettes escalates, and when the cost of cigarettes escalates, as included in this CHIP program, it has a dramatic impact on lessening the demand among teenagers and smoking. What has happened for years is that the industry itself has increased its advertising in order to try to hook these children back in. But this has a dramatic positive impact from a preventive point of view in helping children not become addicted to nicotine and cigarette smoking, so it is a win-win situation. It is using the private insurance companies' own model that was initially suggested by the President of the United States in the Medicare prescription drug program, and it is being paid not by the taxpayers but by the cigarette users. That will discourage smoking and will have a positive impact on children.

The case for CHIP is stronger than ever. Today, 6 million children are enrolled in the program, children who otherwise would be without health care. But there are another 9 million children in America who still have no health insurance at all. Once again, Democrats and Republicans in Congress have come together for the common good.

CHIP's success is impressive. Since CHIP began, the percentage of uninsured children has gone down even as more and more adults are losing their own insurance coverage because employers reduce it or drop it entirely. This chart reflects where it is in terms of the adults and the uninsured, now 47 million Americans who are uninsured. Look at what has happened to children. It has gradually been going down. There is no reason not to expect, with this legislation, that it will again go down somewhat. If we had accepted the more extensive House bill, it would have gone down even further. But this is a very significant achievement in reducing the number of children who do not have health care coverage.

In the past decade, the percentage of uninsured children has dropped from 23 percent in 1997 to 14 percent in 2005. That reduction is significant, but it is obviously far from enough. This chart indicates the same. If you look at 1997, 22 percent of all children were uninsured. Now we are down to 13 percent and going down further. This is for children. Yet this President wants to veto this legislation.

Recently, the Census Bureau reported in the past year that 600,000 more children have become uninsured. The struggling economy is causing employers to drop family coverage, and even the robust and successful CHIP program hasn't been able to stave off decreasing coverage for children.

CHIP helps to improve children's school performance. When children are receiving the health care they need, they do better academically, emotionally, physically, and socially. Look at this chart. We have demonstrated that when children are healthier, it increases their ability to learn their lessons. Learning in school is increased significantly. Look at the before and after in this chart. Before, 34 percent paid attention in class; after, 57 percent. Keeping up with school activities: before, 36 percent; after, 61 percent. It is very simple: If a child can't see the blackboard, can't hear the teacher, can't understand what is happening in the classroom, they will lose attention and lose their ability to learn. If they have been able to have the kind of preventive health care included in the CHIP program, they are going to be healthier, more interested in learning, and their learning will be enhanced.

We just passed education legislation where we went over the disparities that are out there. I will come to that in the next chart, but this is a very clear indication. If you are interested in children learning, CHIP is a program you have to support.

Also, CHIP all but eliminates the distressing racial and ethnic health disparities for minority children who are disproportionately dependent upon it for their coverage. Look at this: White, Black, and Hispanic. This is before CHIP. Look at the numbers—27, 38, and 29. With CHIP, it is 20, 19, and 19. When we have outreach, we see a reduction in the disparities. We ought to have this as a goal, our national goal. We want all children to have health care coverage. This chart, which is from the Kaiser Family Foundation, indicates that we reduce the disparity for children with this CHIP program, which is enormously important. They are going to learn more and be healthier.

When we put all of that together over a long period of time, it will save the country money because this is going to be a healthier population. It will cost less over a longer period of time. And we are paying for it by an increase in the cigarette tax, not by the taxpayer. So this is enormously important. That is why organizations representing children and health care professionals who serve them agree that preserving and strengthening CHIP is essential to children's health.

The Bible tells us to ''open your hand wide to the poor and the needy in your land.'' Congregations across the country act on that command every day by providing needed help to those with medical needs in their communities. They are turning faith into works, but they know they can't do the job alone. That is why religious leaders from all faiths have called upon Congress and the administration to assist in this mission by renewing and improving CHIP.

Today, we renew our bipartisan commitment to the job begun by Congress 10 years ago and to make sure the lifeline of CHIP is strengthened and extended to many more children. Only the Bush administration seems content with the inadequate status quo.

First, the President proposed a plan for CHIP that doesn't provide what is needed to cover the children who are eligible but unenrolled. In fact, the President's proposal is $8 billion less than what is needed simply to keep the children now enrolled in CHIP from losing their current coverage—$8 billion short. Then, as Congress was negotiating the CHIP bill, the administration issued new guidance that would make it virtually impossible for States to extend coverage for children in their States with household incomes above 250 percent of the Federal poverty level. This would cause 18 States and the District of Columbia to drop children from coverage. It doesn't indicate

that if the States permit those—that 250 percent of the poverty level—to be able to participate in the program, they can adjust premiums, the copays, and the deductibles in order to make it fair. Just a blanket ''no.'' Just a blanket ''no.'' What is most baffling is that the President has consistently threatened this veto.

This chart shows what the costs are. This is really an issue of priorities. A 5-year CHIP reauthorization, $35 billion; 1 year of Bush's tax cut for the wealthiest 1 percent, $72 billion; and this is 1 year in Iraq, $120 billion. So $35 billion for 5 years for children; 1 year in Iraq, $120 billion.

Here is another way of putting it. Around here, we express our views on priorities, and these are the priorities we have a chance to effect. A matter of priorities: the cost of Iraq, $333 million a day; the cost of CHIP, $19 million—$19 million to $333 million. We believe this is a bargain and something which is absolutely essential if we are going to look down the road at a younger generation that is going to be healthy and prosperous and learning. That is going to be key to the United States in terms of our ability to compete worldwide in this knowledge economy. We have to have young people who are gifted, talented, smart, and able, with a knowledge of the economy. It is essential if we are to preserve our national security and it is essential if we are going to preserve the institutions our Founding Fathers bequeathed to us, that our young people are able to function and work in order to guarantee the real rights and liberties which we cherish. All of this starts with having healthy children—healthy children built on the program which the President himself endorsed.

I was there at the time the President strongly supported the way we were going to have the Medicare prescription drug program, and he fought for that. He was able to successfully gain it. Now he says it is unacceptable. Now he says it is unacceptable. He complains about the cost. But this doesn't cost the taxpayer a nickel; it will cost in terms of an increase in the cost of cigarettes.

Finally, these children will be healthier, and therefore the savings over the period of years is going to be important and significant.

The children of America should not become the latest casualties of this administration. The CHIP bill before us is a genuine bipartisan agreement that will help children in communities across the Nation and provide coverage to about 4 million children who would otherwise be uninsured. The bill moves us forward together, Republicans and Democrats alike.

The support this legislation has from Republican Governors as well as Republican members here—particularly my colleague and friend, Senator HATCH from Utah, Senator GRASSLEY, and others—is commendable. They understand exactly the reasons and the justification for this legislation. Quality health care for children isn't just an interesting option or a nice idea. It is not just something we wish we could do. It is an obligation. It is something we have to do, and it is something we can do today. So I will urge my colleagues to vote for this bill.

This legislation will be before the House of Representatives this afternoon. Hopefully, we will have a strong vote over there and we will get that legislation at the earliest possible time.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MATTHEW SHEPARD ACT

Mr. KENNEDY. Madam President, I would like to speak for a moment regarding the Hate Crimes Amendment. 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. Now more than ever, we need to act against hate crimes and send a strong message here at home and around the world that we will not tolerate crimes fueled by hate.

Since the September 11 attacks, we have 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 are doing all that we can to strengthen our defenses against hate that comes from abroad. We have spent billions of dollars in the war on terrorism to ensure that international terrorist organizations such as al-Qaida are not able to carry out attacks within the United States. There is no reason why Congress should not act to strengthen our defenses against hate that occurs here at home.

In Iraq and Afghanistan, our soldiers are fighting for freedom and liberty—they are on the front line fighting against evil and hate. We owe it to our troops to uphold those same principles 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.

We are 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. 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 strong, and so is our interest in condemning bias-motivated violence occurring world-wide. When the Senate approves this amendment, we will send a message about freedom and equality that will resonate around the world.

Hate crimes violate everything our country stands for. These are crimes committed against entire communities, against the Nation as a whole and the very ideals on which our country was founded.

The time has come to stand up for the victims of these senseless acts of violence—victims like Matthew Shepard, for whom this bill is named, and who died a horrible death in 1998 at the hands of two men who singled him out because of his sexual orientation. Nine years after Matthew's death—9 years—we still haven't gotten it done. How long are we going to wait?

Senator SMITH and I urge your support of this bipartisan bill. The House has come through on their side and passed the bill. Now it is time for the Senate to do the same. This year, we can get it done. We came close twice before. In 2000 and 2002, a majority of Senators voted to pass this legislation. In 2004, we had 65 votes for the bill and it was adopted as part of the Defense authorization bill. But—that time—it was stripped out in conference.

The President has threatened to veto this legislation, but we can't let that threat stop us from doing the right thing. Let's display the same kind of courage that came from David Ritcheson, a victim of a brutal hate crime that scarred him both physically and emotionally. This spring, David testified before the House Judiciary Committee. He courageously described the horrific attack against him the year before—after what had been an enjoyable evening with other high school students near his home in Spring, TX.

Later in the evening however, two persons attacked him and one attempted to carve a swastika into his chest. He was viciously beaten and burned with cigarettes, while his attackers screamed terrible epithets at him. He lay unconscious on the ground for 9 hours and remained in a coma for several weeks. After a very difficult recovery, David became a courageous and determined advocate. Tragically, though, this life-changing experience exacted its toll on David and recently he took his own life. He had tried so hard to look forward, but he was still haunted by this brutal experience.

My deepest sympathy and condolences go out to David's family and

friends coping with this tragic loss. David's death shows us that these crimes have a profound psychological impact. We must do all we can to let victims know they are not to blame for this brutality, that their lives are equally valued. We can't wait any longer to act.

Our amendment is supported by a broad coalition of 210 law enforcement, civic, disability, religious and civil rights groups, including the International Association of Chiefs of Police, the Anti-Defamation League, the Interfaith Alliance, the National Sheriff's Association, the Human Rights Campaign, the National District Attorneys Association and the Leadership Conference on Civil Rights. All these diverse groups have come together to say now is the time for us to take action to protect our fellow citizens from the brutality of hate-motivated violence. They support this legislation, because they know it is a balanced and sensible approach that will bring greater protection to our citizens along with much needed resources to improve local and State law enforcement.

Our bill corrects two major deficiencies in current law. Excessive restrictions require proof that victims were attacked because they were engaged in certain ''federally protected activities.'' And the scope of the law is limited, covering hate crimes based on race, religion, or ethnic background alone.

The federally protected activity requirement is outdated, unwise and unnecessary, particularly when we consider the unjust outcomes of this requirement. Hate crimes now occur in a variety of circumstances, and citizens are often targeted during routine activities that should be protected. All victims should be protected—and it is simply wrong that a hate crime—like the one against David Ritcheson—can't be prosecuted federally because it happened in a private home.

The bill also recognizes that some hate crimes are committed against people because of their sexual orientation, their gender, their gender identity, or their disability. Passing this bill will send a loud and clear message. All hate crimes will face Federal prosecution. Action is long overdue. There are too many stories and too many victims.

We must do all we can to end these senseless crimes, and I urge my colleagues to support cloture on this amendment and to support its passage as an amendment to the DOD authorization bill.

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.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Missouri, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 5 p.m.

Thereupon, the Senate, at 3:32 p.m., recessed until 5 p.m. and reassembled when called to order by the Presiding Officer (Mr. BIDEN).

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. 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. 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.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, at 5:01 p.m., the Senate recessed subject to the call of the Chair and reassembled at 5:05 p.m. when called to order by the Presiding Officer (Mr. SALAZAR).

The PRESIDING OFFICER. The Senator from Michigan.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator BAUCUS be recognized for up to 6 minutes as in morning business and then we return to the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana.

CHIP

Mr. BAUCUS. Mr. President, King David sang:

> How good and pleasant it is when brothers live together in unity!

When it comes to work here in Congress, the Children's Health Insurance Program has been as close to that ideal as a major piece of legislation can be. It began 10 years ago, with Senators working together across the political spectrum: Senators ORRIN HATCH and TED KENNEDY; Senators JOHN CHAFEE and JAY ROCKEFELLER. I was proud to have been part of that.

It passed overwhelmingly 10 years ago, and the President signed it into law. It worked.

The Children's Health Insurance Program brought people together across political divides because CHIP was, and always has been, about helping kids. CHIP has been about helping young Americans who, through no fault of their own, live in working families who cannot afford expensive private health insurance. It is about kids. It is about health. It is about low-income kids.

CHIP is about kids going to the doctor. It is about kids having checkups. It is about kids getting vaccinations. It is about kids seeing the dentist.

Healthy children are more likely to go to school. They are more likely to do well in school. They are more likely to get a good job after school. They are less likely to end up on welfare. They are more likely to become a productive member of the workforce.

The Children's Health Insurance Program has been a success. Since 1997, the share of all American children without health insurance dropped by a fifth, while the number of uninsured adult Americans increased. For our country's poorest children, the uninsured rate has dropped by a third.

Governors from both parties support the Children's Health Insurance Program. Two Presidents of different parties have supported and expanded CHIP.

This year, we worked together to improve and extend the program. Senators ORRIN HATCH and JAY ROCKEFELLER, CHUCK GRASSLEY and I worked very closely together, with many meetings, working as hard as we could, focusing on kids. We cooperated in the finest tradition. I thank my colleagues for the hundreds of hours they put into that effort.

Some told me: Put CHIP in reconciliation. That is the fast-track process we use sometimes around here. Some said: Use the fast-track budget process to pass CHIP, so you do not have to get big majorities to get things done. You do not have to worry about 60 votes. But I said: No. CHIP has always been a consensus bill. We would make CHIP a consensus bill again this year. It has in the past. It should always be.

That is what we did. The Finance Committee reported the CHIP bill out by a vote of 17 to 4, strongly bipartisan. The Senate passed it by a vote of 68 to 31. This evening, the House of Representatives will pass essentially the same CHIP bill we passed in the Senate.

Now it is time for us to pass this bill and send it to the President. When we do, it will be time for the President to show he is also a uniter, he is not a divider but a uniter. It will be a time for the President to act in the best traditions of compassionate conservatism. It will be a time for the President to sign this bill.

Let us show how good and pleasant it can be for Washington to work together in unity. That is what our people want. That is what the people who sent us here want. They want us working together. They do not like big fights, so long as we are doing what they regard is basically, essentially the right thing. This is that, clearly. So let us help get health care to kids who need it, and let us enact this CHIP bill into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, what is the pending amendment?

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will return to consideration of H.R. 1585.

The Senator from Michigan.

Mr. LEVIN. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. There are amendments to the motion to commit with instructions.

Mr. LEVIN. Other than those amendments that filled up the tree, there are no pending amendments; is that correct?

The PRESIDING OFFICER. There are also amendments to the substitute.

AMENDMENT NO. 2997

Mr. LEVIN. Mr. President, we are trying to work out a unanimous consent agreement so we can vote on the amendment of the Senator from Delaware, hopefully, at 5:30. We are attempting to work out a unanimous consent agreement. We do not have it yet.

I will suggest, if the Senator from Delaware is willing, because there is a reasonable chance we are going to get there, that he now describe his amendment and offer his amendment, and then—he cannot technically offer it, but he can describe his amendment—and, hopefully, we can get a unanimous consent agreement. If we do, he could then technically offer it.

So I would suggest that without offering his amendment, the Senator from Delaware describe his amendment, debate his amendment, in the hopes we can get a unanimous consent agreement to vote on that amendment at 5:30. We do not have it yet, but we are working on it.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I am happy to do that. I see the former distinguished ranking member of the Armed Services Committee is on the floor. Let me say at the outset how much I appreciate both him and the chairman of the committee for making some very constructive suggestions as to how to amend my amendment.

At the appropriate time, I will call up the amendment and move for its modification. But I want to, at the outset, tell the Senator from Virginia how much I appreciate his leadership. The truth is, he and I had a fairly extensive colloquy on the floor last week on this amendment. True to his word, the Senator said he was going to take a look at this amendment, he was seriously interested in it, and he wanted to look at it. As is always the case with the Senator from Virginia, he kept his word. He not only kept his word, but he improved what Senator BROWNBACK and I and Senator BOXER and others had come forward with. Again, at the appropriate time, I will move to amend Biden-Brownback along those lines.

But, as I understood it, there was the possibility that if we had gotten the unanimous consent agreement, there would be 15 minutes on a side. I know a number of people want to speak. I had an opportunity to speak on this amendment at length last week.

My distinguished colleague from California, who I must say—and I am sure my colleagues will fully appreciate this—we would not have gotten to this point were it not for the Senator from California. Her embrace of this approach well over a year ago, quite frankly, legitimized this in a way on my side of the aisle that no one else, quite frankly, could have done.

The fact that it has such, at this point—and, God willing, as my grandfather would say, and the ''crick'' not rising—hopefully, when we vote, it will bear out what I am about to say. This has genuine bipartisan support but not merely bipartisan support. This has genuine support that crosses ideological divides as narrow or as wide as they are in this body. I think that is a very hopeful sign for the emergence of a policy in Iraq that would give us some real opportunity.

With the Chair's permission and my colleagues' permission, I would like to yield the floor to my colleague from California, if she would like to speak to this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, are we awaiting, hopefully, an agreement at this point? We are speaking on the bill in general? Is that where we are?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Mr. President, I hope my colleagues will indulge me for about 5 or 6 minutes while I speak about the Biden-Brownback-Boxer-Specter, and many other colleagues on both sides of the aisle, amendment. I wish to say to my colleague from Delaware how much I appreciate what he has done. In the face of so much opposition, he has kept to this idea that we need to respect the Iraqis enough to understand the reality of their situation.

I remember before we had the vote on whether to go to war, or give the President the authority to go to war, a friend of mine, former Congressman John Burton, called me and said: BARBARA, I want you to read one book before you cast your vote, one book that I think explains what Iraq is about. That book is entitled ''The Reckoning,'' and it was written by someone named Sandra Mackey, a historian, in 2002. So I read the book before we voted on whether to give the President authority to go into Iraq. The book detailed how Saddam Hussein egregiously used his power as a brutal dictator and a strongman to hold that country together. She explains the history of Iraq and why the only way to hold it together, in her view, was by such a strongman and what a terrible reality she came to. She said that after World War I, Iraq was a young, fragile country, patched together by the victorious European powers.

She wrote:

> Within its artificial boundaries, the Iraqis have lived for eight decades as a collection of competing families, tribes, regions, tongues, and faiths. This complex, multilayered mosaic of Arabs and nonArabs, Muslims, and Christians, is trisected by Iraq's three major population groups, each in possession of a distinct identity; each group dominates a region of Iraq—the Sunnis the center, the Shia the south, the Kurds the north.

She goes on to conclude:

> Iraq is a state, not a nation. Over the 80 years of their common history, the Iraqis have engaged in the conflicted, and at times convoluted search for a common identity. But Iraqis as a whole have never reached consensus.

What Senator BIDEN has understood for several years now, and why I was so interested in supporting him from the very start as a proud member of his Foreign Relations Committee, is we have to deal with the Iraq we have, not the Iraq we wish we had. If that sounds similar to someone—I understand that is a similar sentence. But we don't have an Iraq that we romantically wish we had. After all, as Senator BIDEN has said many times, for Iraq to survive and thrive, they have to want democracy as much as we want it for them. I think that quote by Senator BIDEN has been in my mind since the very start of this war that I did not vote for.

So I see a light at the end of a very dark tunnel—a darkness that is impacting our Nation. It is impacting the Senate in a way where we are paralyzed. We can't get from A to B; we can't see this light. We can't grab it. We argue over military tactics such as a surge. Our military has done everything we have asked them to do. But every single military leader and political leader has told us there is only one solution, and it is a diplomatic one. In this very important amendment, what Senator BIDEN and the rest of us are doing is saying, there is a light at the end of the tunnel. Look at the Kurds. Look at the Kurdish area. Do my colleagues know, and thank God, we haven't lost one soldier in that area. Of the approximately 165,000 soldiers we have there, only 100 soldiers are there.

The Kurds are running their own lives. They even fly the Kurdish flag. They make their own decisions. I think worth repeating is this solution we are putting before the Senate today—we hope it is today—recognizes the Iraqis will decide this for themselves, that this idea is consistent with the Constitution, not outside their Constitution. Of course, they will be the ones who have to embrace this.

But what this amendment does is it says to the world we are ready to move past a military solution. We understand we are not going to have lasting

peace when all you have on the table is a gun and bullets. We have to put a diplomatic solution on the table.

So I am very delighted to have this time now. I don't know if I will have any time later to speak, but I have said what I need to say. I think this is a golden moment for us. I think we could move this debate in a better direction, in a direction all of us want to move it, whether we are Republicans or Democrats, whether we voted for the war or not. We want to craft some type of political solution. We want a roadmap. The Senator from Delaware has given it to us. I am proud to be a part of this bipartisan group that has cosponsored this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 3017

Mr. DURBIN. Mr. President, I wish to thank my colleagues, the Senator from California and the Senator from Delaware. They are making a sincere effort to find a way out of this terrible morass we are in, in Iraq. I can recall 5 years ago when we were called on to vote to give an authorization for the use of force to President Bush. It was in October, before an election a few weeks away, and there were some who argued the President would never use that force. There were some who argued he would use it immediately. Unfortunately, history has proven he used it in a few months. We now find ourselves enmeshed in a war we never bargained for.

That authorization for the use of force said it was for the purpose of deposing a dictator and destroying weapons of mass destruction that threatened the United States. The dictator is gone, the weapons of mass destruction never existed. Yet we are still there and 3,800 American soldiers have been killed so far, 30,000 injured, and 10,000 grievously injured. The numbers rise by the day. At one hundred a month, American soldiers die. There is violence on the streets. Attempts to have meetings for cooperation and compromise are cut short by bombs and bullets. It is a situation which we never bargained for, and this President has no concept of how to extricate America from that morass.

I call to the attention of the Senate, though, not the Biden-Brownback amendment, which I will speak to at a later time but, rather, an amendment offered by Senators LIEBERMAN and KYL. It is an amendment which relates to a country next to Iraq—Iran. Iran is a dangerous country. Yesterday, there was a lot of controversy about whether its President should be allowed to speak at a major university in the United States. Many argued he should not have. Whatever your opinion on whether he should have been allowed to speak, when it was all said and done, when he had finished his speaking, there was no doubt in my mind that it was pretty clear how radical and unreliable he is. Some of the things he said were preposterous, outrageous, and didn't reflect the truth as we know it, either in the United States, the world, or in his country of Iran. I can't imagine that President Ahmadi-Nejad won any converts yesterday, but he is the head of a dangerous nation, a nation which in many respects is moving in directions which the United States has to view very warily.

I have joined with Senator GORDON SMITH in a bipartisan resolution applying economic pressure and diplomacy to change the Iranian policies that might lead to nuclear armaments. I believe that is our first order of business and a high priority for the United States. That is why I joined him in that resolution. In fact, in the past, I voted for resolutions by Senator LIEBERMAN and others acknowledging the potential threat of Iran. I think we should be forewarned that this is a dangerous country, until they change their ways and perhaps change their leadership.

I wish to commend to every Senator before the vote on the Lieberman-Kyl amendment that they take a few moments and read it. There is a paragraph in this amendment which I find troubling, if not frightening. I wish to read it into the RECORD. I will concede this is a sense-of-the-Senate amendment and doesn't have the force of law, but I want my colleagues to understand what they are voting for if they decide that a vote for the Lieberman-Kyl amendment is a vote against Iran. I will read it as follows:

> It is the sense of the Senate—

And now I read from paragraph 4 in the Lieberman-Kyl amendment, and I quote verbatim from the latest version I have—

> to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies.

I see the Senator from Connecticut is on the floor. If this language has been deleted or changed, I hope he will bring to it my attention, because as written and as read, the language that I have been given is troubling. Conceding this is a sense-of-the-Senate amendment, we are, in fact, saying we support the use of military instruments in Iran. What does that mean? Does that mean we are supporting the invasion of Iran, that we are supporting military tactics against Iran? Shouldn't we be extra careful in the language of these amendments when we find that the authorization of force for Iraq has dragged us into a war now in its fifth year, a war longer than World War II, with bloody and deadly consequences for the United States and innocent Iraqis?

I can't vote for this language as read. If it has been changed or will be changed, I am ready to talk, because I certainly have no defense of Iran and its intrigue, its activities, and its plans that we understand to be the development of nuclear weapons.

As I have said, I have joined with Senator SMITH encouraging economic and diplomatic sanctions against Iran, but this amendment goes beyond that. I repeat:

> (4) to support the prudent and calibrated use of all instruments of United States national power in Iraq, including diplomatic, economic, intelligence, and military instruments, in support of the policy described in paragraph (3) with respect to the Government of the Islamic Republic of Iran and its proxies.

I think this is entirely too expansive. It is dangerous language. Those who vote for it are going on the RECORD for the use of military power in a way that I don't think they fully comprehend. Again, if this is being changed, if it is going to be changed before the vote, then I will concede that many items before the Senate are works in progress. But as written and as read, I cannot accept this language. I think it is a dangerous effort to put us on the record for the use of military force in Iran. Even if we are militarily capable of doing that today—and some question whether we are—the simple fact is there is a process to call for congressional approval under our Constitution before we declare war on any Nation. This, unfortunately, takes us down that road toward that goal in a way that I think is unacceptable, and for that reason I will oppose it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 2997

Mrs. HUTCHISON. Mr. President, I rise today to speak on the Biden amendment, and I hope we are going to proceed with a vote on this amendment. I am an original cosponsor. I appreciate what Senator BIDEN has brought forward. He has talked about the semiautonomous region in Iraq for a long time—for over a year. Mr. President, so have I. I, too, have written an op-ed piece that says let's look at a long-term solution. I think we saw from General Petraeus in the last couple of weeks that we should be so proud of our military and what we have done to give security to the Iraqi people. It is not perfect, and it is not finished, but it is so much better than it has been before. Violence is down.

Mr. President, everybody who has been to Iraq, including myself and most Members of the Senate, can see clearly that American forces securing Iraq is not a long-term solution. We must have an Iraq that has an economic and a political solution. I don't think you can have a political solution if you don't have an economy, if people don't have jobs, if they cannot start small businesses, if they cannot take their children to school. You are not going to be able to have a long-term solution without the building of an economy and a political base. That is why I support this amendment, why I am an

original cosponsor with so many Republicans and Democrats coming together.

When I hear some of my colleagues on the other side of the aisle talking about their view of the war, I differ with them about what we should do militarily. But I do think all of us are coming together to say we should have a long-term solution with fewer American troops in a support role, not a frontline role. The way to do that is to have an economy and political stability.

That is what I think the Biden amendment would suggest. We are not telling the Iraqi people what to do. They passed their own law to implement it. They have a much longer history there than we do. I think we should continue to promote this as a solution. I think we need to do a few other things in conjunction with this. I think we should work more closely with Iraq's neighbors. I think the Bush administration is doing that now. I think the Secretary of State is doing a great job of bringing the neighbors in and saying: You have a stake here, and certainly it is in everyone's interest in the region to have a stable Iraq that is not a terrorist breeding ground.

That should be pursued with the idea that they could also be helpful in regions that would work in a semi-autonomous way. It is federalism with states that have their own self-governance.

Dr. Henry Kissinger, in an appearance before the Senate Committee on Foreign Relations, said:

> I am sympathetic to an outcome that permits large regional autonomy. In fact, I think it is very likely that this will emerge out of the conflict that we are now witnessing.

Secretary Kissenger went on to say, in a Washington Post op-ed last week:

> It is possible that the present structure in Baghdad is incapable of national reconciliation because its elected constituents were elected on a sectarian basis. A wiser course would be to concentrate on the three principal regions and promote technocratic, efficient and humane administration in each. . . . More efficient regional government leading to substantial decrease in the level of violence, to progress towards the rule of law and to functioning markets could then, over a period of time, give the Iraqi people an opportunity for national reconciliation.

Mr. President, our efforts in the Balkans are instructive here. A little over 10 years ago, from 1992 to 1995, the war in the Balkans left 250,000 people dead and millions homeless. The Dayton Peace Accords ended that conflict. The agreement retained Bosnia and Herzegovina's international boundaries and created a joint multiethnic and democratic government charged with a very narrow power—to conduct foreign, diplomatic, and fiscal policy. That is the overarching national government of Bosnia and Herzegovina.

There is a second tier of government there now, comprised of two entities that are roughly equal in size. The Bosniak/Croat Federation of Bosnia and Herzegovina and the Bosnian Serb-led Republica Srpska. The Federation and the Srpska governments oversee most government functions. Since the Dayton Peace Accords was signed, the guns of Bosnia have been silent. More than a million people have returned to their prewar homes. The success in Bosnia has enabled the number of U.S. troops in the region to decline substantially.

At the end of 1995, there were 20,000 U.S. combat troops in the Bosnia region. I visited those troops seven times. The first time I went into Bosnia it was undercover. We had on flack jackets and helmets because the Serbs were shooting from the hills. In 2006, there were 600 American troops in Bosnia. Today, there are no combat troops in Bosnia.

Mr. President, I think this should be a model for Iraq. I think we could have a national government that divides the oil royalties, that has the diplomatic function that represents Iraq internationally, and the national government could be a mixture, as it is today. But then you would have semi-autonomous regions. We talked about it. You have Kurdistan in the north, the Shia area in the south, and the middle doesn't have to be one region. I have heard the disagreements about the ability to put that middle into one region because there are Shia and Sunnis in neighborhood to neighborhood. It will be more difficult, but it is also the best opportunity for a long-term solution.

So why not have smaller units across the middle of Baghdad? Why not have some smaller government with an educational system, with the religious sect that is the majority in that sector?

Mr. President, it is so important that we produce more options. Many of the best scholars in this country, the best writers in newspapers in our country, and many of the best diplomats in our country have said this is a potential solution. Some people in this category have said this isn't our first choice. Our first choice is to be a national government that is mixed—that works. That is all of our first choice. But that isn't the choice we have.

We have to recognize that we could not mold a country so quickly after thousands of years of strife along ethnic grounds. So we have to step back, in my opinion, and ask what could work to stabilize this country so that an economic and a political solution will work. With all of the people who are now saying this is an option that should be on the table, I hear people saying, in the end, that is probably the way it is going to be. That is where I come in and say: In the end? Wait a minute. We have a chance to push for leadership now. We have a chance to bring the others in the region together now, so that the American troops who have done such a wonderful job will have two victories. One is that their mission will be accomplished in the right way; two, all of the sacrifices they have made will not be for naught. We cannot walk away from Iraq. We cannot say it is too tough, we are going to surrender. That would make all of the sacrifices that have been made irrelevant. We cannot do it that way. But we do have a potential solution that can save American lives in the future by cutting down the violence right now, by saying if we can step back into a support role because Iraq is emerging as an economic, political, and stable country, then we will have done right by our American troops. We will have done the right thing for future generations of Americans because we will have stood our ground against terrorists taking over Iraq, and we will do it expeditiously.

We don't need to talk about this anymore. The Iraqis have adopted it in their constitution. They have adopted the implementation of the legislation. With some leadership among all of its neighbors in the region, along with the United States and our allies who have given so much in this cause, we can protect future generations of Americans from attacks. We will have built a stable country, which is what we said we wanted to do when we went in to take out Saddam Hussein, who was abusing his people.

Mr. President, some may call for surrender, but that is not the answer. The answer is to promote a real solution that is a long-term solution; that is, allowing the Iraqis to draw their own regions, where they can grow an economy and a government that works along the Bosnian model, and we will be able to stay strong and do the right thing and listen to what people are saying. But that doesn't mean we have to wait and say, oh, that is what is going to happen in the end. Well, how many American lives are going to be lost between now and the end? Let's allow our American troops to take the support role instead of the frontline role, as General Petraeus has started so ably. Let's do what is right for the Iraqi people and the Middle East region as well because a terrorist haven is not in anyone's interest.

I urge my colleagues to support the Biden amendment of which I am a cosponsor, along with a solid Republican and Democratic list of Members who are willing to stand up and say we want this war to end honorably, we want to complete the mission honorably, and we can do it in the right way. And that is to allow them to create their government, which would have a national overlay. The time is now, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I understand there is no time agreement; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. KERRY. Mr. President, I rise to speak with respect to the Biden amendment. I listened carefully to the Senator from Texas, and I must say I

agreed with a lot of what she said. One thing I violently disagreed with was the notion at the end where she said some may call for surrender. I have not heard any U.S. Senator call for surrender. I think that is part of the sloganeering and talk, unfortunately, that has characterized some of the divisions as people try to find a sensible way of finding success.

There are different views about how you find success here. The notion of setting a date and requiring leverage out of the Iraqi Government to do what it is not doing today is an alternative way of getting them to make those decisions and be successful in this endeavor. It is also, in the view of many people in the Senate, a more effective way of supporting the troops, of honoring their sacrifice with a policy that we believe can actually achieve what their sacrifice is being made for.

I caution colleagues about falling into the easy terminology about ''choosing to lose,'' ''surrender,'' ''walking away,'' and so forth. When we leave the President of the United States discretion, as the Levin-Reed and other Senators', myself included, amendment did, you are leaving the President the discretion to continue to fight al-Qaida, you are leaving the President the discretion to finish standing up the Iraqi troops with training that is necessary to do that, and you are leaving the President full discretion to protect American forces and facilities and interests. What other purpose could there be to be in Iraq 5½ years after the start of war, which is when the date would, in fact, have cut in to leverage their change?

That is not what we are here; in some ways, that is what we are here to debate. Specifically, that is not what we are debating about now because this is a Biden amendment which is a different amendment. I wish to speak to it for a moment.

I have resisted what has previously been put forward as a partition plan because I don't think the United States of America can just walk in and ''partition.'' I think that would, in fact, smack of precisely part of the ingredients that have created the problem we inherited. That is what Winston Churchill and the British did shortly after the turn of the last century. The result was that they drew a lot of artificial lines between different people and created a state that never existed before, and we are inheriting some of the long-term impact and realities of those decisions. So we cannot come in and just partition it, which is why for over 3 years or more I have been pushing for a standing conference, a summit, a peace conference which brings the permanent five and the neighbors and the Iraqi factions that are struggling all to the table simultaneously to work through diplomacy in order to arrive at an understanding of how they can go forward.

Diplomacy has always been the key to trying to find a political settlement in Iraq. It has been absent. One of the reasons I am now a cosponsor of this different amendment by Senator BIDEN and others is that it does not specifically seek to partition. Not for the long term, certainly, and not even in the short term does it seek to partition. What it seeks to do is honor what is already in the Iraqi Constitution as well as recognize the realities that have developed on the ground.

Some 2 million-plus people have been displaced out of the country, some 1.1 million people are displaced within the country, and there has been an ethnic cleansing taking place over the course of the last few years that has resulted, for instance, in the city of Baghdad transitioning from a city that at the beginning of the war was 65 percent Sunni to now it is 75 percent Shia, and the south is almost exclusively Shia, and the Sunni triangle is the Sunni triangle, with some exceptions, obviously. We know there are intermarriages. There are some pockets of places where there are still larger populations of either Sunni or Shia living in a larger either Sunni or Shia surrounded area.

But the bottom line is this: There has been a huge shifting of populations according to ethnic lines that has taken place. There also is an awareness that there is fundamentally a failed government, almost failed state. Everyone, from President Bush to Prime Minister Maliki to General Petraeus, everybody involved with this at a decisionmaking level has acknowledged that there is no military solution, there is only a political solution. So if there is no military solution and there is only a political solution, what is the political solution? Clearly, the political solution—because we have seen over the last 4½ years it is not going to be immediately, maybe down the road but not immediately—to have a strong central functioning government that somehow has the ability to work through the differences of Shia and Sunni divisions with a police that is dysfunctional and an army that is largely Shia.

One of the reasons the Sunni in Anbar have decided to fight al-Qaida and to join forces now is because they are being armed and trained and, in effect, are being put in a position to be able to defend their own interests within that region. They made a political decision before there was any military decision. The political decision they made was that they were tired of al-Qaida literally killing their children and abusing their villages. They made the political decision that they would be better off creating this power base of their own within the region, being trained, getting weapons, creating a Sunni capacity to respond and defend themselves. So the violence has, indeed, gone down, and al-Qaida has been diminished in its efforts in that region.

We have to look at what happened. It was a political decision that preceded the presence of surge troops, escalated—whatever you want to call it—and that political decision has resulted in a transition. But there is nothing on the table that indicates the willingness or capacity of the central Government in Baghdad to make a similar kind of political decision for the Sunni with respect to the differences between Sunni and Shia.

Similarly, you cannot make the difference with respect to the Kurds, who are essentially sitting up there in the north, independent of the rest of what is happening between Sunni and Shia, dealing with their own issue with Turkey and their own issue with some of the dislocation that took place in Kirkuk and elsewhere.

What the Biden amendment does is honor, respect, and build on this reality which has developed on the ground. It takes the reality of an election, which was built on fundamental mistakes by our Government, by the Provisional Authority in the beginning that has created a fundamentally sectarian electoral base from which the decisionmaking is now being made which does not adequately and fully represent the interests that have to be reconciled in the end.

So the way you get from here to there, which is the big question—how do you get from here to there—is through the diplomatic focus that is in this amendment. It calls on the international community to come together in the standing conference that many of us have talked about for several years, and it calls on that conference to recognize these realities and begin to build the local capacity. The Iraqis will decide in what structure, how many regions, or what those regions are.

There is a complete respect for the sovereignty of Iraqis to make these decisions. What it does is encourage the effort of Americans to push in that direction and to create the awareness that may well be the best, most effective, most realistic, fastest way of pulling parties together to represent the interests that are not currently adequately represented within the governing process of Iraq, which is why they cannot reach a resolution.

It is not that Iraqi politicians are not, frankly, tough enough to make that decision; it is that their constituencies do not want them to make that decision. That is the fundamental problem. The Shias are fundamentally committed to a Shia Islamic state, and they are not going to give up that notion when they do not have to, and they do not have to because they have been told that 130,000 American troops are going to be there well into next summer, and we will be right where we were last year when the country almost fell apart after all of this effort.

If you have that kind of guarantee on the table, what leverage is there to make you change in a negotiation? What leverage is there if your real goal is to have a Shia Islamic state if 60 percent of the population has now been given at this unfair ballot box a power

they could never achieve in 1,300 years of history in their relationship with Sunni and Shia? If they have suddenly been given that, what is going to make that 60 percent just give it up? They are not about to. And the 20 percent Sunni, many of whom are in the state of this insurgency, are sitting there saying: We understand that; therefore, we are not going to be adequately represented, and because we are not going to be adequately represented, we are going to continue to fight. There is no ingredient that changes that equation unless you get this kind of diplomacy and this kind of recognition of some of these realities on the ground.

One wise observer of the region said to me the other day—a former Ambassador who has written much about Iraq and thought about it a lot—they may just have to live apart before they can live together now in some of these places.

That is not our goal for the long run. This doesn't destroy the idea of a national identity of Iraq. It doesn't undo that. It honors their own Constitution, which respects the notion of federalism. It allows for those entities to be defined by the Iraqis as to how they share the interests within those particular regions on which they decide. It also, obviously, calls on an oil law to ultimately be the linchpin of these kinds of political opinions because if they don't divide the revenues, there is no way, ultimately, you will be able to resolve these huge sectarian differences.

I believe this amendment offers us a way forward. I have said since day one, back in 2004 when I was running nationally, I said then that this could be one of the solutions, the idea of division and federalism if the Iraqis decide on it. The only way to get to that point is to have the adequacy of diplomacy.

For months, we have talked—the Senator from Virginia, Mr. WARNER, Senator LUGAR, the ranking member of the Foreign Relations Committee, Senator HAGEL, and others—we have all talked about the need to get this adequate diplomacy going, and that is a central component of this sense-of-the-Congress amendment which Senator BIDEN is offering. We all know we cannot impose a solution on the Iraqis, and this amendment does not do that. We all know we cannot just walk in and divide up the country. This amendment does not do that. This respects the sovereignty of the Iraqis, and it respects the notion that Iraq is right now a failing state with a barely functioning central government that has not to date proven its capacity to be able to reconcile the fundamental differences over which the civil war is being fought. In fact, Iraq was recently ranked as the second weakest state in the world, second only to the Sudan. Nothing the Government in Baghdad does in the foreseeable future is going to change that reality.

I believe this approach has the best opportunity to try to provide some of that stability, to help, to work, to buy time, to bring in the international community, to get the Perm Five and the neighbors and others working toward the longer term solution which this resolution also recognizes is important.

We need to change the mission, yes, and I have voted to do that and worked hard with the Senator from Michigan and others to do it. I still believe we need a firm deadline because without it, I don't believe we have leverage. And in the absence of leverage, we certainly are not going to get these kinds of reconciliations and compromises that are necessary.

Senator BIDEN's amendment recognizes that these are not mutually exclusive at all. We can push for those other things and still push for this sense-of-the-Congress amendment because accepting federalism, in fact, makes it easier to change the mission and makes it easier to allow the vast majority of our troops to leave a reasonably stable Iraq when they do finally leave.

For those reasons, Mr. President, I support this amendment, and I urge my colleagues to do the same. I congratulate the Senator from Delaware for his efforts on this amendment.

Mr. WARNER. Mr. President, I wish to make it clear that I am inclined to support this amendment also.

Momentarily, the distinguished Senator from Delaware is going to move to amend the pending amendment at the desk, to reflect some corrections and alleviate some concerns I and other colleagues have. But I wish to make it eminently clear this is not a mission amendment. This is along the lines of the need for greater diplomatic involvement.

As a matter of fact, I can look back a year or so when my colleague was standing at that very desk and we had an amendment at that time on the previous authorization bill that he felt very strongly about. As a matter of fact, we gave it consideration at that time. It did not eventually become the law. Or in some respects it did.

Mr. KERRY. I say to my friend from Virginia we actually passed my amendment that did require the international effort we are talking about. Regrettably, we are a year later, and that international leverage has still not come to fruition, so I am delighted now.

Mr. WARNER. Well, Mr. President, I wanted to reflect that the Senator from Massachusetts was on this very point some time back, and now I think the realization is that, momentarily, we will have the opportunity to vote on this. I would not predict the outcome, but I thank him very much for his contributions.

I wonder if I could invite our colleague from Delaware, given there is some likelihood that we can get the UC to have a vote, if he might want to amend his amendment at this time.

Mr. BIDEN. Mr. President, before I do that, I would like to ask the Senator from Massachusetts——

Mr. WARNER. Mr. President, I have now been informed there is some objection to any amendments at this point in time.

Mr. LEVIN. If the Senator will yield, I don't believe there is an objection to the amendment. I think it is not in order at this moment to offer the modification.

Mr. WARNER. In any event, at this point we will not seek to do the amendments, for whatever technical reason there may be, but I would like to do it when we can get to it.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Delaware.

Mr. BIDEN. Mr. President, I will not bring up the amendment or amend it now, but because time is of the essence for a lot of our colleagues, I wish to speak to what the changes are that were recommended by Senator WARNER and others.

But before the Senator from Massachusetts leaves the floor, I wish to say to him—and I hope it will not in any way cause him any difficulty—he and I have been close friends for over 30 years, and I want him to know, and I want my colleagues to know, that much of what this amendment we are hopefully going to vote on is about is what the Senator and I have talked about for the last 4 years and that he has led on, including the international piece.

As a matter of fact, he led on it from a different perspective, as a candidate, as well. So I wish to tell him how grateful I am for his joining in this amendment. Quite frankly, it is a big deal that he is, and it adds not only credibility to the amendment in terms of our colleagues, but it adds, quite frankly, an international credibility to it because an awful lot of people around the world look to my colleague for his insights into what we do about the most critical issue facing American foreign policy today.

The truth is, in order for us to regain the kind of leadership in the world that I would argue we are lacking, we have to settle Iraq, and we cannot do it on our own. There is a need for the international community. Even if this answer is the perfect answer, it cannot be made in America any longer.

So I wish to thank my colleague and acknowledge that I have learned from him, and I wish to thank him for—and I know we use the phrase very blithely around here—his leadership. But I mean that. I wish to thank him for his leadership. He has been absolutely totally consistent on this point from before the time we actually used force in Iraq until today. So I want the record to reflect that.

Mr. President, while we are waiting to determine whether we are going to be able to proceed on the amendment, I think the concerns raised by several of my friends have been incorporated in

the changes that have been made. I am not moving to amend it now, but I am going to tell my colleagues what the Biden-Brownback amendment will be.

In the findings clauses, finding No. (3) has been added, and it is to reflect the concern raised by the distinguished Senator from Arizona, Senator KYL—and I suspect others, but Senator KYL is the one who raised this with us, in that he wanted to make it clear—

Mr. WARNER. The Senator is correct. I brought it to your attention at the request of Senator KYL.

Mr. BIDEN. We incorporated the exact language I was originally given, with the advice of my colleague from Virginia, and it says:

> A central focus of al-Qaida in Iraq has been to turn sectarian division in Iraq into sectarian violence through a concentrated series of attacks, the most significant being the destruction of the Golden Dome.

So that is one change, one addition we made. A second change we made was at the request, I believe, and I would stand corrected, of both the chairman and the ranking member of the Armed Services Committee, which was deleting a word. It says:

> Iraq must reach a comprehensive and sustainable political settlement in order—

No, that is not true. I am getting the wrong section. I will ask my staff what the second change is, and I will go to the third change. The reason I can't find the change is because we took out the word, and I am trying to recall where we took the word out.

The third thing we changed is the provision in the original resolution to incorporate the strongly held view of the chairman of the Armed Services Committee that we not be forcing upon Iraq anything that is inconsistent with their wishes. The paragraph originally read:

> The United States should actively support a political settlement in Iraq based upon the final provisions of the Constitution of Iraq that create a federal system of government and allow for certain federal regions consistent with the wishes of the Iraqi people and their elected leaders.

And then, I believe at the request or suggestion of the distinguished ranking member from Virginia, the actual last paragraph of the resolution, paragraph 5, says:

> Nothing in this act should be construed in any way to infringe on the sovereign rights of the Nation of Iraq.

Again, both my colleagues can explain their motivation better than I, but the central point that is attempted to be achieved is to make it clear that neither Senator BROWNBACK nor I, nor any of the cosponsors, believe we should be imposing a political solution on the Iraqi people. It is sort of self-evident to me that you cannot impose a political solution. A political solution has to be arrived at by the competing parties. I would argue, as I think my colleagues in the Armed Services Committee would agree now, that what we are doing is consistent with Iraq's Constitution and consistent with the ability of the Iraqis to further amend their Constitution to come to a different conclusion.

Mr. WARNER. If the Senator will yield for the purpose of my commenting on this.

Mr. BIDEN. I will be delighted to yield to the Senator from Virginia.

Mr. WARNER. Paragraph 5 is the language recommended by the Senator from Virginia.

Incidentally, Senator MCCAIN is the ranking member. I had that job off and on for 18 years.

Mr. BIDEN. I am sorry. I am so used to the Senator being chairman.

Mr. WARNER. I wished to reflect that my colleague, Senator MCCAIN, is the distinguished ranking member.

But I put in paragraph 5, because this is a very challenging amendment, and I wanted to make certain that in no way did we overstep on the question of sovereignty. The word ''sovereignty'' is well described in international law and in other means as an accepted term, and it is well understood, so I am delighted the Senator agreed to put that in.

Lastly, when we look at the enormity of the sacrifices of our country over these many years now—most notably the tragic loss of some 3,000, almost 3,800 individuals and many more wounded, and expenditures of so much of the taxpayers' funds—the contributions of all of that has gotten us to where we are today. The keystone of those achievements is the sovereignty that has been given to the Iraqi people. That is the major contribution of the enormity of our sacrifice through these years. So in no way did we want to backstep from all of this hard-fought ground to achieve sovereignty for the Iraqi people.

So I am delighted the Senator accepted that. Then, if we can look at one other paragraph, Senator, and that was on page 2, paragraph (4), the Senator was going to consider deleting the word ''increasing'' correct?

Mr. BIDEN. As I understand, the distinguished ranking member of the Foreign Relations Committee, Senator LUGAR, suggested that instead of '' . . . Iraqis to reach such a settlement is a primary cause of increasing violence in Iraq,'' he wished the word ''increasing'' be struck from the language. It now reads: '' . . . settlement is the primary cause of violence in Iraq.''

So we have struck that. To the best of my knowledge, I say to my friend from Virginia, I think we have accommodated all the changes that were suggested.

Mr. WARNER. Mr. President, first going to paragraph (4), deleting ''increasing'' and the concern of the distinguished ranking member, Senator LUGAR, it was also a concern to the Department of State. So that has been done.

All the concerns that have been brought to this Senator's attention, the Senator from Virginia, I think have been met by the Senator from Delaware, and it is for that reason I am pleased, if and when we get to the vote, to cast a vote in favor of this because I think it is an important amendment.

Also, if I may say, it reflects a goal that I and many others have had for a long time; namely, to have a showing of some bipartisanship. I am hopeful this will draw votes from not only your side of the aisle but this side of the aisle, and it can be viewed as a truly bipartisan amendment. Certainly, you have distinguished cosponsors on it, Senator BROWNBACK, Senator HUTCHISON, Senator SPECTER, and others, so I believe it will be viewed as a bipartisan amendment. And that in and of itself is an important contribution to this debate all around.

Mr. BIDEN. Mr. President, I see the chairman has risen. Does he wish to speak?

Mr. LEVIN. If the Senator will yield.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wish to briefly thank and commend the Senator from Delaware for his ongoing leadership in a very critical area, and that is the area of federalism in Iraq. He has made it clear in his amendment, he has made it clear in his remarks that the federalism he is referring to is the federalism which the Iraqis have placed in their Constitution.

Mr. BIDEN. That is correct.

Mr. LEVIN. There is no effort here to impose our view of federalism or an outside view of federalism on the Iraqis. It is their view of federalism, reflected in their own Constitution, that the Senator has viewed as a real potential solution to the violence in the provinces in Iraq.

So I wish to thank the Senator from Delaware, and perhaps at this point, if I could get the attention of the Senator from Delaware, in order to save time later, he and I have entered into a colloquy which doesn't need to be made part of the RECORD at this time, it could be put in the RECORD after the amendment is modified.

So I ask unanimous consent that after the amendment is modified to have printed in the RECORD a colloquy between myself and the Senator from Delaware.

The PRESIDING OFFICER. Is there objection?

Mr. THUNE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEVIN. Mr. President, the colloquy which we will offer then at a later time refers to two changes that have been made, or will be offered to the amendment by the Senator from Delaware, modifying his own amendment, which he has a right to do.

The first suggestion I made, which he has readily accepted, is to make it clear the federalism that is being referred to in his language is the federalism in the Iraqi Constitution as it now reads or as it may be amended. In

the event that the Iraqis' constitutional commission makes recommendations on that subject, and if those recommendations are accepted by the people, it is their view of federalism, in the current Constitution or in an amended Constitution, the word he added being ''final,'' that he is referring to. I thank him for that.

Also, I thank him for accepting language which makes it clear that the federalism he is referring to is a system of government that allows for the creation of Federal regions. The words that are now added, or would be added when it is modified are ''consistent with the wishes of the Iraqi people and their elected leaders.''

The reason I propose that is we have to be very clear that what the Senator from Delaware is focusing on is a Federal system which the Iraqi people either have adopted or will adopt. This is something consistent with their wishes, not ours. What we wish them to do is get on with their solutions, their political solutions. What the Senator from Delaware is so properly focusing on, and I think this Nation should be in his debt for it, is the potential of a Federal system as they designed it for addressing their problems.

We have seen the value of federalism here, but it is not our version of it that the Senator is talking about. It is the idea of federalism and how you are able to adjust powers between the central government and regions which has such potential for finally ending the violence in Iraq. He recommends it. We all, I hope, will support that as being a potential solution—not imposed on them but one which they have fashioned in their own Constitution, have adopted in their own Constitution, can amend in their own Constitution. That, it seems to me, is a very valuable contribution for which I commend the Senator.

He can offer, on our behalf, a colloquy at the appropriate time relative to the modification when it is offered.

I yield the floor.

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. KYL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. KYL. I wanted to clarify one thing. Through no fault of the Senator from Delaware—he was under the impression that certain language he agreed to, to change his resolution, had come from me, and he had reason to believe that. It did not come from me, but that is not his mistake. But I did want to clarify the record that the language that he had agreed to had not been language that came from me. For reasons I will not go into at this point, I still have concerns about the resolution as a result. But it is not the fault of the Senator from Delaware that he was under the impression that it was language from me.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I understand. The Senator is correct; I was under a misimpression.

As I understand it, for our colleagues here—and I say to my colleague from Michigan, the chairman, I understand it would accommodate other Senators if we were to set a time certain to vote tomorrow morning on this amendment and, I guess, I don't know, the Lieberman amendment—Lieberman/Kyl. I don't know that. But if it is at all possible, I know it should not be a consideration of the Senate and obviously whatever the Senate's will I would abide by it, but it would be very helpful to me as a practical matter—there are these pesky little Presidential debates that intervene and there is one tomorrow in New Hampshire. If it accommodates the body I would be delighted to do it this evening, but if we could consider doing it at 10 o'clock in the morning, it would be very much appreciated by the Senator from Delaware—if that is possible.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, the situation the Senator has stated is under consideration by the leadership at this very moment and I am hopeful the body can be informed shortly with respect to the leaders' wishes with respect to time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2952, AS MODIFIED; 2870, 2917, 2973, 2095, 2975, 2951, 2978, 2956, 2932, 2979, 2943, 2982, 2981, 2158, 2977, 2962, 2950, 2969, 3021, 2920, 2929, 2197, 2290, 2936, 3007, 2995, 3029, 2980, 3023, 3024, 2963, 3030, AS MODIFIED; 3044, TO AMENDMENT NO. 2011, EN BLOC

Mr. LEVIN. Mr. President, I send a series of 34 amendments to the desk, which have been cleared by myself and the ranking member. Therefore, I ask unanimous consent that the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid on the table, and I ask that any statements relating to any of these individual amendments be printed in the RECORD.

Mr. WARNER. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2952, AS MODIFIED

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROCUREMENT OF FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

(a) AUTHORITY TO PROCURE.—The Secretary of Defense may procure fire resistant rayon fiber for the production of uniforms that is manufactured in a foreign country referred to in subsection (d) if the Secretary determines either of the following:

(1) That fire resistant rayon fiber for the production of uniforms is not available from sources within the national technology and industrial base.

(2) That—

(A) procuring fire resistant rayon fiber manufactured from suppliers within the national technology and industrial base would result in sole-source contracts or subcontracts for the supply of fire resistant rayon fiber; and

(B) such sole-source contracts or subcontracts would not be in the best interests of the Government or consistent with the objectives of section 2304 of title 10, United States Code.

(b) SUBMISSION TO CONGRESS.—Not later than 30 days after making a determination under subsection (a), the Secretary shall submit to Congress a copy of the determination.

(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) 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) does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(e) NATIONAL TECHNOLOGY AND INDUSTRIAL BASE DEFINED.—In this section, the term ''national technology and industrial base'' has the meaning given that term in section 2500 of title 10, United States Code.

(f) SUNSET.—The authority under subsection (a) shall expire on the date that is five years after the date of the enactment of this Act.

AMENDMENT NO. 2870

(Purpose: To require an annual report on cases reviewed by the National Committee for Employer Support of the Guard and Reserve)

At the end of subtitle D of title X, add the following:

SEC. 1044. ANNUAL REPORT ON CASES REVIEWED BY NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE.

Section 4332 of title 38, United States Code, is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), and (6) as paragraphs (3), (4), (5), (6), and (7) respectively;

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The number of cases reviewed by the Secretary of Defense under the National Committee for Employer Support of the Guard and Reserve of the Department of Defense during the fiscal year for which the report is made.''; and

(3) in paragraph (5), as so redesignated, by striking ''(2), or (3)'' and inserting ''(2), (3), or (4)''.

AMENDMENT NO. 2917

(Purpose: To extend and enhance the authority for temporary lodging expenses for members of the Armed Forces in areas subject to a major disaster declaration or for installations experiencing a sudden increase in personnel levels)

At the end of subtitle A of title VI, add the following:

SEC. 604. EXTENSION AND ENHANCEMENT OF AUTHORITY FOR TEMPORARY LODGING EXPENSES FOR MEMBERS OF THE ARMED FORCES IN AREAS SUBJECT TO MAJOR DISASTER DECLARATION OR FOR INSTALLATIONS EXPERIENCING SUDDEN INCREASE IN PERSONNEL LEVELS.

(a) MAXIMUM PERIOD OF RECEIPT OF EXPENSES.—Section 404a(c)(3) of title 37, United States Code, is amended by striking ''20 days'' and inserting ''60 days''.

(b) EXTENSION OF AUTHORITY FOR INCREASE IN CERTAIN BAH.—Section 403(b)(7)(E) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007.

AMENDMENT NO. 2973

(Purpose: To express the sense of Congress on the provision of equipment for the National Guard for the defense of the homeland)

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF CONGRESS ON EQUIPMENT FOR THE NATIONAL GUARD TO DEFEND THE HOMELAND.

(a) FINDINGS.—Congress makes the following findings:

(1) The Army National Guard and Air National Guard have played an increasing role in homeland security and a critical role in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) As a result of persistent underfunding of procurement, lower prioritization, and more recently the wars in Afghanistan and Iraq, the Army National Guard and Air National Guard face significant equipment shortfalls.

(3) The National Guard Bureau, in its February 26, 2007, report entitled ''National Guard Equipment Requirements'', outlines the ''Essential 10'' equipment needs to support the Army National Guard and Air National Guard in the performance of their domestic missions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Army National Guard and Air National Guard should have sufficient equipment available to accomplish their missions inside the United States and to protect the homeland.

AMENDMENT NO. 2095

(Purpose: To expedite the prompt return of the remains of deceased members of the Armed Forces to their loved ones for burial)

At the end of subtitle D of title VI, add the following:

SEC. 656. TRANSPORTATION OF REMAINS OF DECEASED MEMBERS OF THE ARMED FORCES AND CERTAIN OTHER PERSONS.

Section 1482(a)(8) of title 10, United States Code, is amended by adding at the end the following new sentence: ''When transportation of the remains includes transportation by aircraft, the Secretary concerned shall provide, to the maximum extent possible, for delivery of the remains by air to the commercial, general aviation, or military airport nearest to the place selected by the designee or, if such a selection is not made, nearest to the cemetery selected by the Secretary.''.

AMENDMENT NO. 2975

(Purpose: to require a report on the status of the application of the Uniform Code of Military Justice during a time of war or contingency operation)

At the appropriate place insert:

The Secretary of Defense shall report within 60 days of enactment of this Act to House Armed Services Committee and the Senate Armed Services Committee on the status of implementing section 552 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (P.L. 109–364) related to the application of the Uniform Code of Military Justice to military contractors during a time of war or a contingency operation.

AMENDMENT NO. 2951

(Purpose: To require the Secretary of the Navy to make reasonable efforts to notify certain former residents and civilian employees at Camp Lejeune, North Carolina, of their potential exposure to certain drinking water contaminants)

At the end of title X, add the following:

SEC. 1070. NOTIFICATION OF CERTAIN RESIDENTS AND CIVILIAN EMPLOYEES AT CAMP LEJEUNE, NORTH CAROLINA, OF EXPOSURE TO DRINKING WATER CONTAMINATION.

(a) NOTIFICATION OF INDIVIDUALS SERVED BY TARAWA TERRACE WATER DISTRIBUTION SYSTEM, INCLUDING KNOX TRAILER PARK.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the Tarawa Terrace Water Distribution System, including Knox Trailer Park, at Camp Lejeune, North Carolina, during the years 1958 through 1987 that they may have been exposed to drinking water contaminated with tetrachloroethylene (PCE).

(b) NOTIFICATION OF INDIVIDUALS SERVED BY HADNOT POINT WATER DISTRIBUTION SYSTEM.—Not later than one year after the Agency for Toxic Substances and Disease Registry (ATSDR) completes its water modeling study of the Hadnot Point water distribution system, the Secretary of the Navy shall make reasonable efforts to identify and notify directly individuals who were served by the system during the period identified in the study of the drinking water contamination to which they may have been exposed.

(c) NOTIFICATION OF FORMER CIVILIAN EMPLOYEES AT CAMP LEJEUNE.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy shall make reasonable efforts to identify and notify directly civilian employees who worked at Camp Lejeune during the period identified in the ATSDR drinking water study of the drinking water contamination to which they may have been exposed.

(d) CIRCULATION OF HEALTH SURVEY.—

(1) FINDING.—Congress makes the following findings:

(A) Notification and survey efforts related to the drinking water contamination described in this section are necessary due to the potential negative health impacts of these contaminants.

(B) The Secretary of the Navy will not be able to identify or contact all former residents due to the condition, non-existence, or accessibility of records.

(C) It is the intent of Congress is that the Secretary of the Navy contact as many former residents as quickly as possible.

(2) ATSDR HEALTH SURVEY.—

(A) DEVELOPMENT.—Not later than 120 days after the date of the enactment of this Act, the ATSDR, in consultation with the National Opinion Research Center, shall develop a health survey that would voluntarily request of individuals described in subsections (a), (b), and (c) personal health information that may lead to scientifically useful health information associated with exposure to TCE, PCE, vinyl chloride, and the other contaminants identified in the ATSDR studies that may provide a basis for further reliable scientific studies of potentially adverse health impacts of exposure to contaminated water at Camp Lejeune.

(B) INCLUSION WITH NOTIFICATION.—The survey developed under subparagraph (A) shall be distributed by the Secretary of the Navy concurrently with the direct notification required under subsections (a), (b), and (c).

(e) USE OF MEDIA TO SUPPLEMENT NOTIFICATION.—The Secretary of the Navy may use media notification as a supplement to direct notification of individuals described under subsections (a), (b), and (c). Media notification may reach those individuals not identifiable via remaining records; once individuals respond to media notifications, the Secretary will add them to the contact list to be included in future information updates.

AMENDMENT NO. 2978

(Purpose: To require a report on housing privatization initiatives)

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON HOUSING PRIVATIZATION INITIATIVES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A list of current housing privatization transactions carried out by the Department of Defense that are behind schedule or in default.

(2) In each case in which a transaction is behind schedule or in default, a description of —

(A) the reasons for schedule delays, cost overruns, or default;

(B) how solicitations and competitions were conducted for the project;

(C) how financing, partnerships, legal arrangements, leases, or contracts in relation to the project were structured;

(D) which entities, including Federal entities, are bearing financial risk for the project, and to what extent;

(E) the remedies available to the Federal Government to restore the transaction to schedule or ensure completion of the terms of the transaction in question at the earliest possible time;

(F) the extent to which the Federal Government has the ability to affect the performance of various parties involved in the project;

(G) remedies available to subcontractors to recoup liens in the case of default, non-payment by the developer or other party to the transaction or lease agreement, or re-structuring;

(H) remedies available to the Federal Government to affect receivership actions or transfer of ownership of the project; and

(I) names of the developers for the project and any history of previous defaults or bankruptcies by these developers or their affiliates.

(3) In each case in which a project is behind schedule or in default, recommendations regarding the opportunities for the Federal Government to ensure that all terms of the transaction are completed according to the original schedule and budget.

AMENDMENT NO. 2956

(Purpose: To express the sense of the Senate on use by the Air Force of towbarless aircraft ground equipment)

At the end of subtitle E of title X, add the following:

SEC. 1070. SENSE OF SENATE ON AIR FORCE USE OF TOWBARLESS AIRCRAFT GROUND EQUIPMENT.

It is the sense of the Senate to encourage the Air Force to give full consideration to the potential operational utility, cost savings, and increased safety afforded by the utilization of towbarless aircraft ground equipment.

AMENDMENT NO. 2932

(Purpose: To provide for the provision of contact information on separating members of the Armed Forces to the veterans department or agency of the State in which such members intend to reside after separation)

At the end of subtitle C of title X, add the following:

SEC. 1031. PROVISION OF CONTACT INFORMATION ON SEPARATING MEMBERS OF THE ARMED FORCES TO STATE VETERANS AGENCIES.

For each member of the Armed Forces pending separation from the Armed Forces or who detaches from the member's regular unit while awaiting medical separation or retirement, not later than the date of such separation or detachment, as the case may be, the Secretary of Defense shall, upon the request of the member, provide the address and other appropriate contact information of the member to the State veterans agency in the State in which the member will first reside after separation or in the State in which the member resides while so awaiting medical separation or retirement, as the case may be.

AMENDMENT NO. 2979

(Purpose: To express the sense of Congress on the future use of synthetic fuels in military systems)

At the end of subtitle E of title III, add the following:

SEC. 358. SENSE OF CONGRESS ON FUTURE USE OF SYNTHETIC FUELS IN MILITARY SYSTEMS.

It is the sense of Congress to encourage the Department of Defense to continue and accelerate, as appropriate, the testing and certification of synthetic fuels for use in all military air, ground, and sea systems.

AMENDMENT NO. 2943

(Purpose: To require a report on the workforce required to support the nuclear missions of the Navy and the Department of Energy)

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON WORKFORCE REQUIRED TO SUPPORT THE NUCLEAR MISSIONS OF THE NAVY AND THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall each submit to Congress a report on the requirements for a workforce to support the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report.

(b) ELEMENTS.—The report shall address anticipated changes to the nuclear missions of the Navy and the Department of Energy during the 10-year period beginning on the date of the report, anticipated workforce attrition, and retirement, and recruiting trends during that period and knowledge retention programs within the Department of Defense, the Department of Energy, the national laboratories, and federally funded research facilities.

AMENDMENT NO. 2982

(Purpose: To authorize the establishment of special reimbursement rates for the provision of mental health care services under the TRICARE program)

At the end of title VII, add the following:

SEC. 703. AUTHORITY FOR SPECIAL REIMBURSEMENT RATES FOR MENTAL HEALTH CARE SERVICES UNDER THE TRICARE PROGRAM.

(a) AUTHORITY.—Section 1079(h)(5) of title 10, United States Code, is amended in the first sentence by inserting '', including mental health care services,'' after ''health care services''.

(b) REPORT ON ACCESS TO MENTAL HEALTH CARE SERVICES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy of access to mental health services under the TRICARE program, including in the geographic areas where surveys on the continued viability of TRICARE Standard and TRICARE Extra are conducted under section 702 of this Act.

AMENDMENT NO. 2981

(Purpose: To require an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration)

On page 530, between lines 10 and 11, insert the following:

SEC. 3126. EVALUATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION STRATEGIC PLAN FOR ADVANCED COMPUTING.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) enter into an agreement with an independent entity to conduct an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration; and

(2) not later than 180 days after the date of the enactment of this Act, submit to the congressional defense committees a report containing the results of evaluation described in paragraph (1).

(b) ELEMENTS.—The evaluation described in subsection (a)(1) shall include the following:

(1) An assessment of—

(A) the role of research into, and development of, high-performance computing supported by the National Nuclear Security Administration in maintaining the leadership of the United States in high-performance computing; and

(B) any impact of reduced investment by the National Nuclear Security Administration in such research and development.

(2) An assessment of the ability of the National Nuclear Security Administration to utilize the high-performance computing capability of the Department of Energy and National Nuclear Security Administration national laboratories to support the Stockpile Stewardship Program and nonweapons modeling and calculations.

(3) An assessment of the effectiveness of the Department of Energy and the National Nuclear Security Administration in sharing high-performance computing developments with private industry and capitalizing on innovations in private industry in high-performance computing.

(4) A description of the strategy of the Department of Energy for developing an extaflop computing capability.

(5) An assessment of the efforts of the Department of Energy to—

(A) coordinate high-performance computing work within the Department, in particular among the Office of Science, the National Nuclear Security Administration, and the Office of Energy Efficiency and Renewable Energy; and

(B) develop joint strategies with other Federal Government agencies and private industry groups for the development of high-performance computing.

AMENDMENT NO. 2158

(Purpose: To ensure the eligibility of certain heavily impacted local educational agencies for impact aid payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 for fiscal year 2008 and succeeding fiscal years)

At the end of subtitle E of title V, add the following:

SECTION 565. HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) IN GENERAL.—For fiscal year 2008 and each succeeding fiscal year, the Secretary of Education shall—

(1) deem each local educational agency that was eligible to receive a fiscal year 2007 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) as eligible to receive a basic support payment for heavily impacted local educational agencies under such section for the fiscal year for which the determination is made under this subsection; and

(2) make a payment to such local educational agency under such section for such fiscal year.

(b) EFFECTIVE DATES.—Subsection (a) shall remain in effect until the date that a Federal statute is enacted authorizing the appropriations for, or duration of, any program under title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) for fiscal year 2008 or any succeeding fiscal year.

AMENDMENT NO. 2977

(Purpose: To provide for physician and health care professional comparability allowances to improve and enhance the recruitment and retention of medical and health care personnel for the Department of Defense)

At the end of subtitle C of title IX, add the following:

SEC. 937. PHYSICIANS AND HEALTH CARE PROFESSIONALS COMPARABILITY ALLOWANCES.

(a) AUTHORITY TO PROVIDE ALLOWANCES.—

(1) AUTHORITY.—In order to recruit and retain highly qualified Department of Defense physicians and Department of Defense health care professionals, the Secretary of Defense may, subject to the provisions of this section, enter into a service agreement with a current or new Department of Defense physician or a Department of Defense health care professional which provides for such physician or health care professional to complete a specified period of service in the Department of Defense in return for an allowance for the duration of such agreement in an amount to be determined by the Secretary and specified in the agreement, but not to exceed—

(A) in the case of a Department of Defense physician—

(i) $25,000 per annum if, at the time the agreement is entered into, the Department of Defense physician has served as a Department of Defense physician for 24 months or less; or

(ii) $40,000 per annum if the Department of Defense physician has served as a Department of Defense physician for more than 24 months; and

(B) in the case of a Department of Defense health care professional—

(i) an amount up to $5,000 per annum if, at the time the agreement is entered into, the

Department of Defense health care professional has served as a Department of Defense health care professional for less than 10 years;

(ii) an amount up to $10,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for at least 10 years but less than 18 years; or

(iii) an amount up to $15,000 per annum if, at the time the agreement is entered into, the Department of Defense health care professional has served as a Department of Defense health care professional for 18 years or more.

(2) TREATMENT OF CERTAIN SERVICE.—(A) For the purpose of determining length of service as a Department of Defense physician, service as a physician under section 4104 or 4114 of title 38, United States Code, or active service as a medical officer in the commissioned corps of the Public Health Service under title II of the Public Health Service Act (42 U.S.C. 202 et seq.) shall be deemed service as a Department of Defense physician.

(B) For the purpose of determining length of service as a Department of Defense health care professional, service as a nonphysician health care provider, psychologist, or social worker while serving as an officer described under section 302c(d)(1) of title 37, United States Code, shall be deemed service as a Department of Defense health care professional.

(b) CERTAIN PHYSICIANS AND PROFESSIONALS INELIGIBLE.—An allowance may not be paid under this section to any physician or health care professional who—

(1) is employed on less than a half-time or intermittent basis;

(2) occupies an internship or residency training position; or

(3) is fulfilling a scholarship obligation.

(c) COVERED CATEGORIES OF POSITIONS.—The Secretary of Defense shall determine categories of positions applicable to physicians and health care professionals within the Department of Defense with respect to which there is a significant recruitment and retention problem for purposes of this section. Only physicians and health care professionals serving in such positions shall be eligible for an allowance under this section. The amounts of each such allowance shall be determined by the Secretary, and shall be the minimum amount necessary to deal with the recruitment and retention problem for each such category of physicians and health care professionals.

(d) PERIOD OF SERVICE.—Any agreement entered into by a physician or health care professional under this section shall be for a period of service in the Department of Defense specified in such agreement, which period may not be less than one year of service or exceed four years of service.

(e) REPAYMENT.—Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the physician or health care professional, in the event that such physician or health care professional voluntarily, or because of misconduct, fails to complete at least one year of service under such agreement, shall be required to refund the total amount received under this section unless the Secretary of Defense determines that such failure is necessitated by circumstances beyond the control of the physician or health care professional.

(f) TERMINATION OF AGREEMENT.—Any agreement under this section shall specify the terms under which the Secretary of Defense and the physician or health care professional may elect to terminate such agreement, and the amounts, if any, required to be refunded by the physician or health care professional for each reason for termination.

(g) CONSTRUCTION WITH OTHER AUTHORITIES.—

(1) ALLOWANCE NOT TREATABLE AS BASIC PAY.—An allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55 of title 5, United States Code, chapter 81 or 87 of such title, or other benefits related to basic pay.

(2) PAYMENT.—Any allowance under this section for a Department of Defense physician or Department of Defense health care professional shall be paid in the same manner and at the same time as the basic pay of the physician or health care professional is paid.

(3) CONSTRUCTION WITH CERTAIN AUTHORITY.—The authority to pay allowances under this section may not be exercised together with the authority in section 5948 of title 5, United States Code.

(h) ANNUAL REPORT.—

(1) ANNUAL REPORT.—Not later than June 30 each year, the Secretary of Defense shall submit to the appropriate committees of Congress a written report on the operation of this section during the preceding year. Each report shall include—

(A) with respect to the year covered by such report, information as to—

(i) the nature and extent of the recruitment or retention problems justifying the use by the Department of Defense of the authority under this section;

(ii) the number of physicians and health care professionals with whom agreements were entered into by the Department of Defense;

(iii) the size of the allowances and the duration of the agreements entered into; and

(iv) the degree to which the recruitment or retention problems referred to in clause (i) were alleviated under this section; and

(B) such recommendations as the Secretary considers appropriate for actions (including legislative actions) to improve or enhance the authorities in this section to achieve the purpose specified in subsection (a)(1).

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Armed Services and Homeland Security of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) The term ''Department of Defense health care professional'' means any individual employed by the Department of Defense who is a qualified health care professional employed as a health care professional and paid under any provision of law specified in subparagraphs (A) through (G) of paragraph (2).

(2) The term ''Department of Defense physician'' means any individual employed by the Department of Defense as a physician or dentist who is paid under a provision or provisions of law as follows:

(A) Section 5332 of title 5, United States Code, relating to the General Schedule.

(B) Subchapter VIII of chapter 53 of title 5, United States Code, relating to the Senior Executive Service.

(C) Section 5371 of title 5, United States Code, relating to certain health care positions.

(D) Section 5376 of title 5, United States Code, relating to certain senior-level positions.

(E) Section 5377 of title 5, United States Code, relating to critical positions.

(F) Subchapter IX of chapter 53 of title 5, United States Code, relating to special occupational pay systems.

(G) Section 9902 of title 5, United States Code, relating to the National Security Personnel System.

(3) The term ''qualified health care professional'' means any individual who is—

(A) a psychologist who meets the Office of Personnel Management Qualification Standards for the Occupational Series of Psychologist as required by the position to be filled;

(B) a nurse who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(C) a nurse anesthetist who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Nurse as required by the position to be filled;

(D) a physician assistant who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Physician Assistant as required by the position to be filled;

(E) a social worker who meets the applicable Office of Personnel Management Qualification Standards for the Occupational Series of Social Worker as required by the position to be filled; or

(F) any other health care professional designated by the Secretary of Defense for purposes of this section.

(j) TERMINATION.—No agreement may be entered into under this section after September 30, 2012.

AMENDMENT NO. 2962

(Purpose: To implement the recommendations of the Department of Defense Task Force on Mental Health)

On page 175, between lines 10 and 11, insert the following:

SEC. 703. IMPLEMENTATION OF RECOMMENDATIONS OF DEPARTMENT OF DEFENSE MENTAL HEALTH TASK FORCE.

(a) IN GENERAL.—As soon as practicable, but not later than May 31, 2008, the Secretary of Defense shall implement the recommendations of the Department of Defense Task Force on Mental Health developed pursuant to section 723 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3348) to ensure a full continuum of psychological health services and care for members of the Armed Forces and their families.

(b) IMPLEMENTATION OF CERTAIN RECOMMENDATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement the following recommendations of the Department of Defense Task Force on Mental Health:

(1) The implementation of a comprehensive public education campaign to reduce the stigma associated with mental health problems.

(2) The appointment of a psychological director of health for each military department, each military treatment facility, the National Guard, and the Reserve Component, and the establishment of a psychological health council.

(3) The establishment of a center of excellence for the study of psychological health.

(4) The enhancement of TRICARE benefits and care for mental health problems.

(5) The implementation of an annual psychological health assessment addressing cognition, psychological functioning, and overall psychological readiness for each member of the Armed Forces, including members of the National Guard and Reserve Component.

(6) The development of a model for allocating resources to military mental health facilities, and services embedded in line

units, based on an assessment of the needs of and risks faced by the populations served by such facilities and services.

(7) The issuance of a policy directive to ensure that each military department carefully assesses the history of occupational exposure to conditions potentially resulting in post-traumatic stress disorder, traumatic brain injury, or related diagnoses in members of the Armed Forces facing administrative or medical discharge.

(8) The maintenance of adequate family support programs for families of deployed members of the Armed Forces.

(c) RECOMMENDATIONS REQUIRING LEGISLATIVE ACTION.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any legislative action required to implement the recommendations of the Department of Defense Mental Health Task Force.

(d) RECOMMENDATIONS TO BE NOT IMPLEMENTED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a description of any recommendations of the Department of Defense Mental Health Task Force the Secretary of Defense has determined not to implement.

(e) PROGRESS REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter until the date described in paragraph (2), the Secretary shall submit to the congressional defense committees a report on the status of the implementation of the recommendations of the Department of Defense Mental Health Task Force.

(2) DATE DESCRIBED.—The date described in this paragraph is the date on which all recommendations of the Department of Defense Mental Health Task Force have been implemented other than the recommendations the Secretary has determined pursuant to subsection (d) not to implement.

AMENDMENT NO. 2950

(Purpose: To require a study and report on the feasibility of including additional elements in the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense)

At the end of title II, add the following:

SEC. 256. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—In conjunction with the development of the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense authorized under this Act, the Secretary of Defense shall conduct a study on the feasibility of including in the required pilot program the following additional elements:

(1) A means to allow each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A means to ensure that the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member.

(3) A means to ensure each recovering service member is able to know when his or her appointments and other medical evaluation board or physical evaluation board deadlines will be and that they have been scheduled in a timely and accurate manner.

(4) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

(5) Information that will allow the Secretaries of the military departments and the Under Secretary of Defense for Personnel and Readiness to monitor trends and problems.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

AMENDMENT NO. 2969

(Purpose: To provide for the establishment of a Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries)

At the end of title VII, add the following:

SEC. 703. CENTER OF EXCELLENCE IN PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1105 the following new section:

"§ 1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries

''(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of military eye injuries to carry out the responsibilities specified in subsection (c). The center shall be known as a 'Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries'.

''(b) PARTNERSHIPS.—The Secretary shall ensure that the Center collaborates to the maximum extent practicable with the Department of Veterans Affairs, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

''(c) RESPONSIBILITIES.—(1) The Center shall—

''(A) develop, implement, and oversee a registry of information for the tracking of the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury incurred by a member of the armed forces in combat that requires surgery or other operative intervention; and

''(B) ensure the electronic exchange with Secretary of Veterans Affairs of information obtained through tracking under subparagraph (A).

''(2) The registry under this subsection shall be known as the 'Military Eye Injury Registry'.

''(3) The Center shall develop the Registry in consultation with the ophthalmological specialist personnel and optometric specialist personnel of the Department of Defense. The mechanisms and procedures of the Registry shall reflect applicable expert research on military and other eye injuries.

''(4) The mechanisms of the Registry for tracking under paragraph (1)(A) shall ensure that each military medical treatment facility or other medical facility shall submit to the Center for inclusion in the Registry information on the diagnosis, surgical intervention or other operative procedure, other treatment, and follow up for each case of eye injury described in that paragraph as follows (to the extent applicable):

''(A) Not later than 72 hours after surgery or other operative intervention.

''(B) Any clinical or other operative intervention done within 30 days, 60 days, or 120 days after surgery or other operative intervention as a result of a follow-up examination.

''(C) Not later than 180 days after surgery or other operative intervention.

''(5)(A) The Center shall provide notice to the Blind Service or Low Vision Optometry Service, as applicable, of the Department of Veterans Affairs on each member of the armed forces described in subparagraph (B) for purposes of ensuring the coordination of the provision of visual rehabilitation benefits and services by the Department of Veterans Affairs after the separation or release of such member from the armed forces.

''(B) A member of the armed forces described in this subparagraph is a member of the armed forces as follows:

''(i) A member with an eye injury incurred in combat who has a visual acuity of 20/200 or less in either eye.

''(ii) A member with an eye injury incurred in combat who has a loss of peripheral vision of twenty degrees or less.

''(d) UTILIZATION OF REGISTRY INFORMATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that information in the Military Eye Injury Registry is available to appropriate ophthalmological and optometric personnel of the Department of Veterans Affairs for purposes of encouraging and facilitating the conduct of research, and the development of best practices and clinical education, on eye injuries incurred by members of the armed forces in combat.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1105 the following new item:

''1105a. Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries.''.

(b) INCLUSION OF RECORDS OF OIF/OEF VETERANS.—The Secretary of Defense shall take appropriate actions to include in the Military Eye Injury Registry established under section 1105a of title 10, United States Code (as added by subsection (a)), such records of members of the Armed Forces who incurred an eye injury in combat in Operation Iraqi Freedom or Operation Enduring Freedom before the establishment of the Registry as the Secretary considers appropriate for purposes of the Registry.

(c) REPORT ON ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the status of the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added), including the progress made in established the Military Eye Injury Registry required under that section.

(d) TRAUMATIC BRAIN INJURY POST TRAUMATIC VISUAL SYNDROME.—In carrying out the program at Walter Reed Army Medical Center, District of Columbia, on Traumatic Brain Injury Post Traumatic Visual Syndrome, the Secretary of Defense and the Department of Veterans Affairs shall jointly provide for the conduct of a cooperative study on neuro-optometric screening and diagnosis of members of the Armed Forces with Traumatic Brain Injury by military medical treatment facilities of the Department of Defense and medical centers of the Department of Veterans Affairs selected for purposes of this subsection for purposes of vision screening, diagnosis, rehabilitative management, and vision research on visual

dysfunction related to Traumatic Brain Injury.

(e) FUNDING.—Of the amounts available for Defense Health Program, $5,000,000 may be available for the Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries under section 1105a of title 10, United States Code (as so added).

AMENDMENT NO. 3021

(Purpose: To require a Comptroller General report on actions by the Defense Finance and Accounting Service in response to the decision in Butterbaugh v. Department of Justice)

At the end of subtitle D of title X, add the following:

SEC. 1044. COMPTROLLER GENERAL REPORT ON DEFENSE FINANCE AND ACCOUNTING SERVICE RESPONSE TO BUTTERBAUGH V. DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment by the Comptroller General of the response of the Defense Finance and Accounting Service to the decision in Butterbaugh v. Department of Justice (336 F.3d 1332 (2003)).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate of the number of members of the reserve components of the Armed Forces, both past and present, who are entitled to compensation under the decision in Butterbaugh v. Department of Justice.

(2) An assessment of the current policies, procedures, and timeliness of the Defense Finance and Accounting Service in implementing and resolving claims under the decision in Butterbaugh v. Department of Justice.

(3) An assessment whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice follow a consistent pattern of resolution.

(4) An assessment of whether or not the decisions made by the Defense Finance and Accounting Service in implementing the decision in Butterbaugh v. Department of Justice are resolving claims by providing more compensation than an individual has been able to prove, under the rule of construction that laws providing benefits to veterans are liberally construed in favor of the veteran.

(5) An estimate of the total amount of compensation payable to members of the reserve components of the Armed Forces, both past and present, as a result of the recent decision in Hernandez v. Department of the Air Force (No. 2006–3375, slip op.) that leave can be reimbursed for Reserve service before 1994, when Congress enacted chapter 43 of title 38, United States Code (commonly referred to as the ''Uniformed Services Employment and Reemployment Rights Act'').

(6) A comparative assessment of the handling of claims by the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the handling of claims by other Federal agencies (selected by the Comptroller General for purposes of the comparative assessment) under that decision.

(7) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been adjudicated by the Defense Finance and Accounting Service.

(8) A statement of the number of claims by members of the reserve components of the Armed Forces under the decision in Butterbaugh v. Department of Justice that have been denied by the Defense Finance and Accounting Service.

(9) A comparative assessment of the average amount of time required for the Defense Finance and Accounting Service to resolve a claim under the decision in Butterbaugh v. Department of Justice with the average amount of time required by other Federal agencies (as so selected) to resolve a claim under that decision.

(10) A comparative statement of the backlog of claims with the Defense Finance and Accounting Service under the decision in Butterbaugh v. Department of Justice with the backlog of claims of other Federal agencies (as so selected) under that decision.

(11) An estimate of the amount of time required for the Defense Finance and Accounting Service to resolve all outstanding claims under the decision in Butterbaugh v. Department of Justice.

(12) An assessment of the reasonableness of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice.

(13) A comparative assessment of the requirement of the Defense Finance and Accounting Service for the submittal by members of the reserve components of the Armed Forces of supporting documentation for claims under the decision in Butterbaugh v. Department of Justice with the requirement of other Federal agencies (as so selected) for the submittal by such members of supporting documentation for such claims.

(14) Such recommendations for legislative action as the Comptroller General considers appropriate in light of the decision in Butterbaugh v. Department of Justice and the decision in Hernandez v. Department of the Air Force.

AMENDMENT NO. 2920

(Purpose: To require a report on the Pinon Canyon Maneuver Site, Colorado)

At the end of title XXVIII, add the following:

SEC. 2864. REPORT ON THE PINON CANYON MANEUVER SITE, COLORADO.

(a) REPORT ON THE PINON CANYON MANEUVER SITE.—

(1) REPORT REQUIRED.—Not later than 180 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 Pinon Canyon Maneuver Site (referred to in this section as ''the Site'').

(2) CONTENT.—The report required under paragraph (1) shall include the following:

(A) An analysis of whether existing training facilities at Fort Carson, Colorado, and the Site are sufficient to support the training needs of units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of any new training requirements or significant developments affecting training requirements for units stationed or planned to be stationed at Fort Carson since the 2005 Defense Base Closure and Realignment Commission found that the base has ''sufficient capacity'' to support four brigade combat teams and associated support units at Fort Carson.

(ii) A study of alternatives for enhancing training facilities at Fort Carson and the Site within their current geographic footprint, including whether these additional investments or measures could support additional training activities.

(iii) A description of the current training calendar and training load at the Site, including—

(I) the number of brigade-sized and battalion-sized military exercises held at the Site since its establishment;

(II) an analysis of the maximum annual training load at the Site, without expanding the Site; and

(III) an analysis of the training load and projected training calendar at the Site when all brigades stationed or planned to be stationed at Fort Carson are at home station.

(B) A report of need for any proposed addition of training land to support units stationed or planned to be stationed at Fort Carson, including the following:

(i) A description of additional training activities, and their benefits to operational readiness, which would be conducted by units stationed at Fort Carson if, through leases or acquisition from consenting landowners, the Site were expanded to include—

(I) the parcel of land identified as ''Area A'' in the Potential PCMS Land expansion map;

(II) the parcel of land identified as ''Area B'' in the Potential PCMS Land expansion map;

(III) the parcels of land identified as ''Area A'' and ''Area B'' in the Potential PCMS Land expansion map;

(IV) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a heavy infantry brigade at the Site;

(V) acreage sufficient to allow simultaneous exercises of two heavy infantry brigades at the Site;

(VI) acreage sufficient to allow simultaneous exercises of a light infantry brigade and a battalion at the Site; and

(VII) acreage sufficient to allow simultaneous exercises of a heavy infantry brigade and a battalion at the Site.

(ii) An analysis of alternatives for acquiring or utilizing training land at other installations in the United States to support training activities of units stationed at Fort Carson.

(iii) An analysis of alternatives for utilizing other federally owned land to support training activities of units stationed at Fort Carson.

(C) An analysis of alternatives for enhancing economic development opportunities in southeastern Colorado at the current Site or through any proposed expansion, including the consideration of the following alternatives:

(i) The leasing of land on the Site or any expansion of the Site to ranchers for grazing.

(ii) The leasing of land from private landowners for training.

(iii) The procurement of additional services and goods, including biofuels and beef, from local businesses.

(iv) The creation of an economic development fund to benefit communities, local governments, and businesses in southeastern Colorado.

(v) The establishment of an outreach office to provide technical assistance to local businesses that wish to bid on Department of Defense contracts.

(vi) The establishment of partnerships with local governments and organizations to expand regional tourism through expanded access to sites of historic, cultural, and environmental interest on the Site.

(vii) An acquisition policy that allows willing sellers to minimize the tax impact of a sale.

(viii) Additional investments in Army missions and personnel, such as stationing an active duty unit at the Site, including—

(I) an analysis of anticipated operational benefits; and

(II) an analysis of economic impacts to surrounding communities.

(3) POTENTIAL PCMS LAND EXPANSION MAP DEFINED.—In this subsection, the term ''Potential PCMS Land expansion map'' means the June 2007 map entitled ''Potential PCMS Land expansion''.

(b) COMPTROLLER GENERAL REVIEW OF REPORT.—Not later than 180 days after the Secretary of Defense submits the report required under subsection (a), the Comptroller General of the United States shall submit to Congress a review of the report and of the justification of the Army for expansion at the Site.

(c) PUBLIC COMMENT.—After the report required under subsection (b) is submitted to Congress, the Army shall solicit public comment on the report for a period of not less than 90 days. Not later than 30 days after the public comment period has closed, the Secretary shall submit to Congress a written summary of comments received.

AMENDMENT NO. 2929

(Purpose: To require a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas)

At the end of subtitle D of title X, add the following:

SEC. 1044. REPORT ON FACILITIES AND OPERATIONS OF DARNALL ARMY MEDICAL CENTER, FORT HOOD MILITARY RESERVATION, TEXAS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A specific determination of whether the facilities currently housing Darnall Army Medical Center meet Department of Defense standards for Army medical centers.

(2) A specific determination of whether the existing facilities adequately support the operations of Darnall Army Medical Center, including the missions of medical treatment, medical hold, medical holdover, and Warriors in Transition.

(3) A specific determination of whether the existing facilities provide adequate physical space for the number of personnel that would be required for Darnall Army Medical Center to function as a full-sized Army medical center.

(4) A specific determination of whether the current levels of medical and medical-related personnel at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(5) A specific determination of whether the current levels of graduate medical education and medical residency programs currently in place at Darnall Army Medical Center are adequate to support the operations of a full-sized Army medical center.

(6) A description of any and all deficiencies identified by the Secretary.

(7) A proposed investment plan and timeline to correct such deficiencies.

AMENDMENT NO. 2197

(Purpose: To lift the moratorium on improvements at Fort Buchanan, Puerto Rico)

At the end of title XXVIII, add the following:

SEC. 2864. REPEAL OF MORATORIUM ON IMPROVEMENTS AT FORT BUCHANAN, PUERTO RICO.

Section 1507 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–355) is repealed.

AMENDMENT NO. 2290

(Purpose: To require a report on funding of the Department of Defense for health care in the budget of the President in any fiscal year in which the Armed Forces are engaged in a major military conflict)

At the end of subtitle A of title X, add the following:

SEC. 1008. REPORT ON FUNDING OF THE DEPARTMENT OF DEFENSE FOR HEALTH CARE FOR ANY FISCAL YEAR IN WHICH THE ARMED FORCES ARE ENGAGED IN A MAJOR MILITARY CONFLICT.

If the Armed Forces are involved in a major military conflict when the President submits to Congress the budget for a fiscal year under section 1105 of title 31, United States Code, and the aggregate amount included in that budget for the Department of Defense for health care for such fiscal year is less than the aggregate amount provided by Congress for the Department for health care for such preceding fiscal year, and, in the case of the Department, the total allocation from the Defense Health Program to any military department is less than the total such allocation in the preceding fiscal year, the President shall submit to Congress a report on—

(1) the reasons for the determination that inclusion of a lesser aggregate amount or allocation to any military department is in the national interest; and

(2) the anticipated effects of the inclusion of such lesser aggregate amount or allocation to any military department on the access to and delivery of medical and support services to members of the Armed Forces and their family members.

AMENDMENT NO. 2936

(Purpose: To designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center'')

On page 354, after line 24, add the following:

SEC. 1070. DESIGNATION OF CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) FINDINGS.—Congress makes the following findings:

(1) Charlie Norwood volunteered for service in the United States Army Dental Corps in a time of war, providing dental and medical services in the Republic of Vietnam in 1968, earning the Combat Medical Badge and two awards of the Bronze Star.

(2) Captain Norwood, under combat conditions, helped develop the Dental Corps operating procedures, that are now standard, of delivering dentists to forward-fire bases, and providing dental treatment for military service dogs.

(3) Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war.

(4) Dr. Norwood provided military dental care at Fort Gordon, Georgia, following his service in Vietnam, then provided private-practice dental care for the next 25 years for patients in the greater Augusta, Georgia, area, including care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid.

(5) Congressman Norwood, upon being sworn into the United States House of Representatives in 1995, pursued the advancement of health and dental care for active duty and retired military personnel and dependents, and for veterans, through his public advocacy for strengthened Federal support for military and veterans' health care programs and facilities.

(6) Congressman Norwood co-authored and helped pass into law the Keep our Promises to America's Military Retirees Act, which restored lifetime healthcare benefits to veterans who are military retirees through the creation of the Department of Defense TRICARE for Life Program.

(7) Congressman Norwood supported and helped pass into law the Retired Pay Restoration Act providing relief from the concurrent receipt rule penalizing disabled veterans who were also military retirees.

(8) Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia, and succeeded in maintaining and increasing Federal funding for the center.

(9) Congressman Norwood maintained a life membership in the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars.

(10) Congressman Norwood's role in protecting and improving military and veteran's health care was recognized by the Association of the United States Army through the presentation of the Cocklin Award in 1998, and through his induction into the Association's Audie Murphy Society in 1999.

(b) DESIGNATION.—

(1) IN GENERAL.—The Department of Veterans Affairs Medical Center located at 1 Freedom Way in Augusta, Georgia, shall after the date of the enactment of this Act be known and designated as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

(2) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in paragraph (1) shall be considered to be a reference to the Charlie Norwood Department of Veterans Affairs Medical Center.

AMENDMENT NO. 3007

(Purpose: To clarify the requirement for military construction authorization and the definition of military construction)

On page 491, between lines 8 and 9, insert the following:

SEC. 2818. CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION OF MILITARY CONSTRUCTION.

(a) CLARIFICATION OF REQUIREMENT FOR AUTHORIZATION.—Section 2802(a) of title 10, United States Code, is amended by inserting after ''military construction projects'' the following: '', land acquisitions, and defense access road projects (as described under section 210 of title 23)''.

(b) CLARIFICATION OF DEFINITION.—Section 2801(a) of such title is amended by inserting after ''permanent requirements'' the following: '', or any acquisition of land or construction of a defense access road (as described in section 210 of title 23)''.

AMENDMENT NO. 2995

(Purpose: To require a report on the plans of the Secretary of the Army and the Secretary of Veterans Affairs to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia)

On page 326, between lines 17 and 18, insert the following:

SEC. 1044. REPORT ON PLANS TO REPLACE THE MONUMENT AT THE TOMB OF THE UNKNOWNS AT ARLINGTON NATIONAL CEMETERY, VIRGINIA.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the following:

(1) The current plans of the Secretaries with respect to—

(A) replacing the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia; and

(B) disposing of the current monument at the Tomb of the Unknowns, if it were removed and replaced.

(2) An assessment of the feasibility and advisability of repairing the monument at the Tomb of the Unknowns rather than replacing it.

(3) A description of the current efforts of the Secretaries to maintain and preserve the monument at the Tomb of the Unknowns.

(4) An explanation of why no attempt has been made since 1989 to repair the monument at the Tomb of the Unknowns.

(5) A comprehensive estimate of the cost of replacement of the monument at the Tomb of the Unknowns and the cost of repairing such monument.

(6) An assessment of the structural integrity of the monument at the Tomb of the Unknowns.

(b) LIMITATION ON ACTION.—The Secretary of the Army and the Secretary of Veterans Affairs may not take any action to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia, until 180 days after the date of the receipt by Congress of the report required by subsection (a).

(c) EXCEPTION.—The limitation in subsection (b) shall not prevent the Secretary of the Army or the Secretary of Veterans Affairs from repairing the current monument at the Tomb of the Unknowns or from acquiring any blocks of marble for uses related to such monument, subject to the availability of appropriations for that purposes.

AMENDMENT NO. 3029

(Purpose: To require a comprehensive review of safety measures and encroachment issues at Warren Grove Gunnery Range, New Jersey)

At the end of title III, add the following:

SEC. 358. REPORTS ON SAFETY MEASURES AND ENCROACHMENT ISSUES AT WARREN GROVE GUNNERY RANGE, NEW JERSEY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Air Force has 32 training sites in the United States for aerial bombing and gunner training, of which Warren Grove Gunnery Range functions in the densely populated Northeast.

(2) A number of dangerous safety incidents caused by the Air National Guard have repeatedly impacted the residents of New Jersey, including the following:

(A) On May 15, 2007, a fire ignited during an Air National Guard practice mission at Warren Grove Gunnery Range, scorching 17,250 acres of New Jersey's Pinelands, destroying 5 houses, significantly damaging 13 others, and temporarily displacing approximately 6,000 people from their homes in sections of Ocean and Burlington Counties.

(B) In November 2004, an F–16 Vulcan cannon piloted by the District of Columbia Air National Guard was more than 3 miles off target when it blasted 1.5-inch steel training rounds into the roof of the Little Egg Harbor Township Intermediate School.

(C) In 2002, a pilot ejected from an F–16 aircraft just before it crashed into the woods near the Garden State Parkway, sending large pieces of debris onto the busy highway.

(D) In 1999, a dummy bomb was dumped a mile off target from the Warren Grove target range in the Pine Barrens, igniting a fire that burned 12,000 acres of the Pinelands forest.

(E) In 1997, the pilots of F–16 aircraft uplifting from the Warren Grove Gunnery Range escaped injury by ejecting from their aircraft just before the planes collided over the ocean near the north end of Brigantine. Pilot error was found to be the cause of the collision.

(F) In 1986, a New Jersey Air National Guard jet fighter crashed in a remote section of the Pine Barrens in Burlington County, starting a fire that scorched at least 90 acres of woodland.

(b) ANNUAL REPORT ON SAFETY MEASURES.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of the Air Force shall submit to the congressional defense committees a report on efforts made to provide the highest level of safety by all of the military departments utilizing the Warren Grove Gunnery Range.

(c) STUDY ON ENCROACHMENT AT WARREN GROVE GUNNERY RANGE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a study on encroachment issues at Warren Grove Gunnery Range.

(2) CONTENT.—The study required under paragraph (1) shall include a master plan for the Warren Grove Gunnery Range and the surrounding community, taking into consideration military mission, land use plans, urban encroachment, the economy of the region, and protection of the environment and public health, safety, and welfare.

(3) REQUIRED INPUT.—The study required under paragraph (1) shall include input from all affected parties and relevant stakeholders at the Federal, State, and local level.

AMENDMENT NO. 2980

(Purpose: To require a report on the establishment of a scholarship program for civilian mental health professionals)

At the end of title VII, add the following:

SEC. 703. REPORT ON ESTABLISHMENT OF A SCHOLARSHIP PROGRAM FOR CIVILIAN MENTAL HEALTH PROFESSIONALS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Assistant Secretary of Defense for Health Affairs and each of the Surgeons General of the Armed Forces, shall submit to Congress a report on the feasibility and advisability of establishing a scholarship program for civilian mental health professionals.

(b) ELEMENTS.—The report shall include the following:

(1) An assessment of a potential scholarship program that provides certain educational funding to students seeking a career in mental health services in exchange for service in the Department of Defense.

(2) An assessment of current scholarship programs which may be expanded to include mental health professionals.

(3) Recommendations regarding the establishment or expansion of scholarship programs for mental health professionals.

(4) A plan to implement, or reasons for not implementing, recommendations that will increase mental health staffing across the Department of Defense.

AMENDMENT NO. 3023

(Purpose: To improve the Commercialization Pilot Program for defense contracts)

At the end of title X, add the following:

SEC. 10___. COMMERCIALIZATION PILOT PROGRAM.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in paragraph (1), by adding at the end the following: ''The authority to create and administer a Commercialization Pilot Program under this subsection may not be construed to eliminate or replace any other SBIR program that enhances the insertion or transition of SBIR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).'';

(2) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively;

(3) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for transitioning Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR projects.

''(6) GOAL FOR SBIR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2008, or create new incentives, to encourage prime contractors to meet the goal under subparagraph (A); and

''(C) submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an annual report regarding the percentage of contracts described in subparagraph (A) awarded by that Secretary.''; and

(4) in paragraph (8), as so redesignated, by striking ''fiscal year 2009'' and inserting ''fiscal year 2012''.

AMENDMENT NO. 3024

(Purpose: To improve small business programs for veterans, and for other purposes)

(The amendment (No. 3024) is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 2963

(Purpose: To authorize the Secretary of the Army to use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana for the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center)

At the end of title XXVI, add the following:

SEC. 2611. RELOCATION OF UNITS FROM ROBERTS UNITED STATES ARMY RESERVE CENTER AND NAVY-MARINE CORPS RESERVE CENTER, BATON ROUGE, LOUISIANA.

For the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center for which funds are authorized to be appropriated in this Act in Baton Rouge, Louisiana, the Secretary of the Army may use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana at a location determined by the Secretary to be in the best interest of national security and in the public interest.

AMENDMENT NO. 3030, AS MODIFIED

On page 510, strike lines 1 through 7 and insert in lieu thereof the following:

SEC. 2862. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking ''that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath'' and inserting ''that are beneath''; and

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

''(e) SUNSET DATE.—This section shall expire on October 1, 2013.''.

AMENDMENT NO. 3044

(Purpose: To prohibit the use of earmarks for awarding no-bid contracts and non-competitive grants)

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense to implement new programs or projects pursuant to congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project pursuant to a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project pursuant to a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

(B) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress and the Committees on Armed Services of the Senate and the House of Representatives.

(4) CONTRACTING AUTHORITY.—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract, grant, or cooperative agreement awarded to implement a new program or project pursuant to a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. Chairman, there will be no more votes tonight. We have tried to work something out on the Kyl-Lieberman amendment and the Biden amendment. We have been unable to do that.

We have been very close a few times, but we have just been informed that Senator BIDEN will not have a vote anytime in the near future. There will not be a vote on the other one anytime in the near future. We hope tonight will bring more clearness on the issue.

But right now, I think it is fair to say there will be no votes tonight.

Does the Senator from South Dakota have any comments?

Mr. THUNE. No, I do not. I would say to the leader, that is good for our Members to know. We have Members who have been inquiring whether they will be able to vote.

Mr. REID. Let me say this: One thing I have done is, anytime I know there is going to be no votes, Senator MCCONNELL is the first to know. If there is a Monday we are not going to have votes, I let everybody know; nighttime vote. I think that has worked pretty well. There are no surprises.

Now, sometimes things just do not work out. But anytime we decide, on this side, the majority, there are not going to be votes, Senator MCCONNELL knows. That is an arrangement I made with him. I have stuck to that for the last 8 months.

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. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BURMA

Mr. DURBIN. Mr. President, for the last several months I have been coming to the floor with some frequency to speak about the tragic events in Darfur. That ongoing humanitarian crisis is a constant reminder of how many in this world still live under tragic circumstances and brutal governments.

Yet the human spirit continues to fight for change, even under these difficult conditions, something that has been so movingly evident in the recent days in the country of Burma. During the last week, the world has watched as thousands of Burmese have peacefully called for political change in one of the world's most repressive countries. Reuters reported today that 10,000 Buddhist monks continue to march through the largest city, Rangoon, chanting ''democracy, democracy.''

The streets are lined with between 50,000 to 100,000 clapping, cheering supporters. I speak today to lend my support to these peaceful protests and call on the Burmese military to immediately begin working with Nobel Prize winner Aung San Suu Kyi and U.N. Envoy Ibrahim Gambari to bring about a peaceful transition to real democracy in Burma. It should also unconditionally release all political prisoners.

I also call on the Government of China to use its special relationship with the Burmese Government to constructively foster these long overdue changes. As a permanent member of the U.N. Security Council, China has a particular responsibility to take action and to do it rapidly.

Sadly, this tragedy has been going on for way too long. Following decades of totalitarian rule, the Burmese people,

in 1998, began widespread protests for greater democracy, 9 years ago.

The military responded by seizing power and brutally suppressing the popular movement. Two years later, the military government allowed relatively free elections. Aung San Suu Kyi, despite being under house arrest, led her National League for Democracy Party to an overwhelming victory that captured more than 80 percent of the seats in Parliament. Yet to this date, 16 years later, the military has refused to recognize the sweeping democratic mandate by the Burmese people. Sixteen years after a landslide victory, they still wait for the results of the election to be followed.

Can any one of my colleagues in the Senate even imagine being so brazenly denied representation. Following the vote, those elected from her party attempted to take office. The military responded by detaining hundreds of members of the Parliament-elect and other democracy activists. Many remain under arrest even today, with estimates of well over 1,000 political prisoners. Conditions for these prisoners are horrible. Aung San Suu Kyi has been under house arrest for the majority of the last 16 years.

During the last two decades, the Burmese military has created an Orwellian state, one where simply owning a fax machine can lead to a harsh prison sentence. Government thugs beat a Nobel laureate for simply speaking in public. Forced labor and resettlement are widespread. Government-sanctioned violence against ethnic minorities, rape and torture are rampant.

The military suddenly moved the capital 300 miles into the remote interior out of fear of its own people, and the state watches over all aspects of daily life in a way we thought was almost forgotten in today's world.

Under military rule the country has plunged into tragic poverty and growing isolation. The educational and economic systems have all but collapsed. The military is hidden under the facade of a prolonged constitutional drafting process that is a sham.

The junta has no intention of ever allowing a representative government. All the while, it displays its naked fear of its own people as it keeps Aung San Suu Kyi under house arrest. It is understandable that the Burmese people are demanding change. Even after Suu Kyi's husband Michael Aris was diagnosed with cancer in London in 1997, the military would not allow him to visit his wife. The junta would allow her to leave Burma to visit him but, undoubtedly, would never let her return.

She refused to leave because of her dedication to the Burmese people. Sadly, her husband, Michael Aris, died in 1999 without having seen his wife for more than 3 years. Leaders from around the world have spoken in support of her and about the need for change in Burma. Presidents George Bush and Bill Clinton, as well as Senators FEINSTEIN and MCCAIN, have all voiced repeated concerns. Earlier today, my colleague, Senator MCCONNELL, shared similar concerns on the floor of the Senate.

In 1995, then U.S. Ambassador to the U.N. Madeleine Albright became the first Cabinet level official to visit Aung San Suu Kyi in Burma since the original Democratic upheavals. Later, as Secretary of State, she continued to advocate for change in Burma, at one point saying its government was ''among the most repressive and intrusive on earth.''

The sweeping calls for change are truly global. South African archbishop and Nobel laureate Desmond Tutu and former Czech President Vaclav Havel have called on the U.N. to take action in Burma.

In December 2000, all living Nobel Peace laureates gathered in Oslo to honor fellow laureate Aung San Suu Kyi. In May of this year, the Norwegian Prime Minister released a letter he organized with 59 former heads of state from five continents calling for her release and the release of all Burmese political prisoners. Now thousands of extraordinarily brave Burmese monks and everyday citizens are filling the streets of Burma. They are saying it is time for peaceful change. In recent days, the monks even reached Suu Kyi's heavily guarded home where witnesses said she greeted them at her gate in tears.

One need only look at the dramatic images being shown on television and on the front pages of newspapers around the world to see the bravery and dignity of these peaceful protesters.

This is a Reuters photograph. It is so touching to look at this demonstration in Burma, monks and supporters literally risking their lives fighting for democracy, fighting for the release of Aung San Suu Kyi and the Burmese prisoners. We are hoping this force in the streets, a force for peace, a force for change, will prevail. We salute their courage, and let the Burmese military know they can't get by with this forever. I want the Burmese people to know the world knows what is happening in their country. There is strong support in the Senate among Republicans and Democrats for peaceful change and democratic government. To those in Burma fighting for peaceful democratic change, our message is simple—we are with you. I call on the Burmese military to immediately release Aung San Suu Kyi and all Burmese political prisoners, to respect peaceful protests of its own citizens, and begin a timely transition to democratic rule. The eyes of the world are watching.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE AUTHORIZATION

Mr. THUNE. Mr. President, this is now day 14 of debate on the Defense authorization bill. It is day 14 of the current debate. We have all been on this bill for a good number of days previously earlier this year. During the same time that we have been debating this for the past 14 days and over the course of the several months that have languished in between our last debate on Defense authorization, we have commanders and troops in the field who have been fighting bravely our terrorist enemies and fulfilling their mission with courage and professionalism.

By contrast, we in the Senate are redebating old arguments and revoting on amendments that have previously been rejected. In fact, last week most of the amendments offered by our colleagues on the Democratic side had previously been voted on, and the result this time around was essentially the same as the result when we voted on these amendments previously. In fact, we voted now for the second and third time on arbitrary withdrawal dates, on cutting off funding for our war efforts, on changing the mission from that recommended by our commanders, and on other attempts to micromanage our war efforts from the floor of the Senate. Now we may be forced to vote on hate crimes legislation which has no relevance to or place in the Defense authorization bill.

Congress should not and Congress cannot legislate our war strategy, nor do we have the expertise or constitutional authority to micromanage the war. American generals in Iraq, not politicians in Washington, should decide how to fight this war.

I don't condemn my colleagues for a minute for their legitimate Iraq policy positions. As Senators, we have the right to offer amendments. But again, this is not the time to abandon our military efforts in Iraq or to attempt to micromanage our military strategy from thousands of miles away. The current Iraq policy debate taking place on the Defense authorization bill has already dangerously delayed this critical legislation. We all support our troops. This bill contains critical provisions that directly support our men and women in uniform.

Specifically, while we have been redebating and revoting on amendments for the second and third time, the Defense authorization bill waits for final action. What does it do? This bill directly supports our men and women in uniform. It increases the size of the Army and the Marine Corps. It provides increased authorization to purchase more Mine Resistant Ambush Protected armored vehicles, otherwise known as MRAPs, which will save more lives. It provides a much needed 3.5-percent pay raise for our troops. It further empowers the Army and Air

Force National Guard as they continue their critical role in our warfighting efforts. And it includes the badly needed Wounded Warrior legislation that will address the broader issues of patient care which we saw manifested at Walter Reed.

As a member of the Armed Services Committee, I am committed to seeing this bill pass the floor of the Senate. It would be a complete failure of leadership on our part if we failed to pass this vital measure while our men and women are engaged in conflict. Unfortunately, this bill has been bogged down by politically motivated Iraq votes the Senate has taken many times before. Again, I understand the legitimate differences of opinion others may have on our strategy in Iraq, but it demonstrates a lack of seriousness about the enemy we face and the needs of our men and women in uniform to be here after 14 days of debate and not to have passed this critical legislation, particularly as we come up against the end of the fiscal year on September 30.

It is time to put the politics aside. It is time to put aside the nondefense related amendments. Every day, our men and women in uniform are out there making us proud with their courage and dedication to their mission. We should be here doing our job making sure we are supporting them by passing this critical legislation.

There are some legitimate amendments related to the underlying bill that we have debated at length, but there are also a lot of amendments that are unrelated to the underlying bill. Switching gears and moving to hate crimes legislation or to restart the immigration debate on the Defense authorization bill, in my view, would be a mistake. It would demonstrate a lack of leadership and a lack of good judgment on our part when we have men and women in the field who are fighting every single day. We need to make sure we get them a Defense authorization bill that gives them the pay raise they deserve, that addresses the equipment needs they have, that deals with the Wounded Warrior legislation, and that cares for our veterans when they come back from that conflict. There are so many important things in this underlying bill that we need to deal with, and we need to deal with them in a timely way.

I would hope that as the debate gets underway again tomorrow, we will be able to come to some final conclusion about this bill and get it passed into law without having to get bogged down in what are ancillary and unrelated issues, many of which are now, at this late juncture, being brought forward.

I urge my colleagues on both sides to do what is in the national interest, the right thing for our men and women in uniform; that is, to pass a Defense authorization bill that addresses their fundamental needs to make sure they have the funding and support, training and equipment they need to do their jobs and complete their mission.

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. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHIP

Mr. CASEY. Mr. President, I rise to talk about an issue we have debated for many months on the floor of the Senate. It has been debated in the other body, and it has been debated a lot of places across the country. The issue is children's health insurance.

We have a vehicle in place to make sure that not only do the 6.5 million children who are covered already under the program maintain their coverage all across the country, but in particular with this legislation, this bipartisan legislation, the Senate bill, which a couple of weeks ago we saw got 68 votes—the Presiding Officer and others in this body know it is hard to get 68 votes on anything, especially something as significant as children's health insurance. But that was a resounding vote in favor of a policy which will make sure we cover those 6.5 million children but add substantially to that to the point where this legislation would allow us to make sure 10 million American children have health insurance. We have a vehicle. We have a program that works. We have bipartisan consensus from across the board, even beyond parties. We have people who don't agree on much in legislation over the course of a year or two agreeing on this. There is strong support across America for it, certainly in my State of Pennsylvania, certainly in the State of New Jersey. But all across America we see support from virtually every corner.

There is only one problem. Despite the bipartisan consensus which exists here and in the other body, the President has threatened and seems determined to veto this legislation. For the life of me, I can't understand that. I can't understand why the President would say that he supports reauthorizing the program, that he thinks the program is good and it works, but he will not support a bipartisan consensus. This makes no sense, especially since States across America have had this kind of insurance in place for many years. In Pennsylvania, we have about 160,000 children covered right now, maybe a little more. We could increase that substantially over the next 5 years to add another 140,000 or more. So instead of having 160,000 kids covered, we get 300,000 children in Pennsylvania covered.

We know this doesn't end the discussion. We know there will still be children who won't be covered. Even if we get to that 10 million number, we know there will be millions of children, maybe as many as 5 million, who are not covered. So we can't rest just on the foundation of this legislation.

I plead with the President, don't veto legislation that will provide 10 million American children with the health care they should have, the health care their parents and their communities have a right to expect but also the health care for children in the dawn of their lives which, beyond what it does for that child, which is obvious, I think there is a strong moral argument, but even beyond that argument, what this will do for the American economy years into the future.

These children, if they get the kind of health care and early learning we all support, will do better in school. They will achieve more. They will learn more. And if they learn more, they can earn more. We know there are CEOs across the country who understand this investment in our children is an investment in our economic future.

I join a lot of people in this Chamber in both parties who worked very hard to get 68 votes for this legislation. There was a lot of tough negotiating in the Senate Finance Committee, where the vote, I think, was 17 to 4 way back in the summer. There is the work that has been done in the House and the work that has been done between both bodies to get this right.

I ask anyone who has an interest in this legislation across the country—or anywhere someone is following this issue—to urge the President not to veto children's health insurance that will cover 10 million American children.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008—Continued

AMENDMENT NO. 3047

CLOTURE MOTION

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 1585, that the amendments to the substitute be laid aside, and the Senate proceed to the Hatch amendment No. 3047; that the cloture motion at the desk on the amendment be considered as having been filed and reported, and the Senate then resume the regular order regarding the bill, and then return to morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3047) is as follows:

AMENDMENT NO. 3047

(Purpose: To require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials)

At the appropriate place in the substitute add the following:

SEC. ___. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term ''relevant offense'' means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

CLOTURE MOTION

The cloture motion having been presented under rule XXII is as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Hatch amendment No. 3047 relating to hate crimes to Calendar No. 189, H.R. 1585, National Defense Authorization Act for Fiscal Year 2008.

Mitch McConnell, Orrin Hatch, Pete Domenici, John Barrasso, Trent Lott, Tom Coburn, Jon Kyl, Mike Crapo, Judd Gregg, Kay Bailey Hutchison, Johnny Isakson, John Thune, Lindsey Graham, Wayne Allard, C.S. Bond, Bob Bennett, Michael B. Enzi.

Mr. CASEY. Mr. President, I rise to speak on the amendment that I have filed to H.R. 1545, the National Defense Authorization Act for fiscal year 2008. My amendment expresses the sense of Congress that an appropriate site be established within the Arlington National Cemetery for a small memorial to the memory of the 40 members of the U.S. Armed Forces who perished in an airplane crash at Bakers Creek, Australia, on June 14, 1943. A similar provision is already included in the House version of the fiscal year 2008 DOD authorization bill, and so it is important for the Senate to declare its support for this worthy cause.

On June 14, 1943, a B–17C Flying Fortress aircraft was transporting a group of U.S. servicemen from the city of Mackay in Queensland, Australia. The 35 servicemen, accompanied by six crew members, were returning to the jungle battlefields of New Guinea to continue their brave fight against the enemy Japanese forces. They had spent approximately 10 days in Mackay enjoying a much needed break at American Red Cross rest and recreation facilities, whose location in Australia was not widely known at the time. The aircraft lifted off into a fog and, 5 minutes after takeoff, crashed 5 miles south at Bakers Creek, killing everyone on board except for a sole survivor.

To this day, the cause of the crash remains a mystery. History books, to a certain extent, have obscured this event even though it remains the deadliest plane crash in Australian history. There is a reason for that. The press was not allowed to report the crash when it occurred—owing to wartime censorship laws. The relatives of those who perished received telegrams from the U.S. War Department only stating that their loved ones had been killed somewhere in the South West Pacific. Secrecy shrouded this plane crash because the U.S. military was not eager to either tip off nearby Japanese forces on the presence of U.S. troops in Australia or feed enemy propaganda. For that reason, this plane crash that has proved to be the worst single airplane crash in the South West Pacific theater during World War II—remained an official secret for 15 years after the end of the war.

The amendment before the Senate today would seek to provide a lasting tribute to the bravery and dedication of these young American men. It would establish the sense of the Congress that a permanent memorial, modest in size and nature, should be located at an appropriate place in Arlington National Cemetery. For too long, the truth on how these young men died in the service of their Nation has been hidden away—albeit for understandable reasons. Next June 14, 2008 will mark the 65th anniversary of the forgotten tragedy. Now is the time to mark their sacrifices with the proper level of respect and reverence.

The memorial to honor the lives and sacrifice of these 40 American heroes has already been constructed, yet it lies on foreign soil. The memorial, built by Codori Memorials of Gettysburg, PA, today stands on the grounds of the Australian Embassy here in our Nation's Capital. It is a very small memorial—5 feet 2 inches high and 4 feet wide at the base, occupying only 5½ square feet of land. We thank Ambassador Dennis Richardson and the Government of Australia for so graciously hosting this memorial; we are reminded of the long-standing alliance between our two great nations. Yet it is time for the official memorial to

these American heroes to come home, to be welcomed at Arlington National Cemetery where it can take its rightful place among our fallen heroes.

Each of the 40 Americans who perished in this crash is a true hero who gave their lives to the cause of our Nation. To date, the Bakers Creek Memorial Association has located the families of 38 of the 40 casualties. They continue to search for relatives of the remaining two soldiers to notify them of the specifics surrounding their loved one's deaths.

I wish to claim prerogative on behalf of my home State to take note of the six Pennsylvanians killed in this tragic crash. Each of their families still resides in Pennsylvania. Their names and hometowns are as follows: PFC James E. Finney, Erie, PA; TSGT Alfred H. Frezza, Altoona, PA; SGT Donald B. Kyper, Hesston, PA; PFC Frank S. Penksa, Moscow, PA; PFC Anthony Rudnick, Haddon Heights, PA; CPL Raymond H. Smith, Oil City, PA

I am joined in this effort by Senator SPECTER. It is time to do right by these forgotten American heroes and give them and their families a memorial at Arlington National Cemetery that is worthy of their valor, worthy of their honor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now return to morning business.

RECOGNIZING NATIONAL PUBLIC LANDS DAY

Mr. REID. Mr. President, I rise today in recognition of the 14th annual National Public Lands Day, which will be celebrated on Saturday, September 29. I am pleased to acknowledge the efforts of volunteers around the Nation who will come together to improve and restore one of America's most valuable assets, our public lands.

National Public Lands Day has fostered communities of volunteers around the Nation. When it started in 1994, there were 700 volunteers working in only a few areas. This year nearly 110,000 volunteers will work at more than 1,300 locations to protect public land for the enjoyment of future generations. The spirit that guided the Civilian Conservation Corps in the early 1930s continues today in National Public Lands Day, our latest commitment to care for our country's natural resources.

Our Nation has a grand tradition of conservation. When Yellowstone National Park was established in 1872, it was the world's first national park. The idea of a national park was an American invention of historic proportions that led the way for global conservation efforts. One of the earliest and most energetic conservationists was President Teddy Roosevelt. He dedicated 194 million acres of national parks and national preserves, which set a lofty standard for all who follow.

Over one-third of America is public land. They are places of continuous discovery, where we go to find ourselves, to uncover our history, and to explore for new resources. We are not the only ones to visit our public lands: millions of tourists, many from overseas, enjoy our national parks every year.

Our public lands are part of who we are and their diversity reflects our identity. In many areas, they provide timber, ore, and forage that are the economic bedrock of rural America. In other areas, Congress has designated them as wilderness, places ''untrammeled by man, where man is a visitor who does not remain.''

I want to recognize the thousands of Federal employees who manage these lands year-round. The Bureau of Land Management, Forest Service, Fish and Wildlife Service, National Park Service, and other Federal land management agencies ensure that public lands in Nevada meet the changing needs of our communities. They provide a vital, though rarely reported, service to our Nation, managing our public lands for our children and grandchildren.

National Public Lands Day encourages volunteers to join in that service. Across Nevada, at places like the Black Rock Desert, Lake Mead, Boundary Peak, Sloan Canyon and the Truckee River, volunteers will work to improve our public lands. This year's focus is the defense of native species from invasive weeds. Noxious weeds are a serious problem that has plagued the West for years. Exotic weeds push out native plants and provide plenty of fuel for wildfires. In Nevada, we know about this threat all too well. National Public Lands Day volunteers in Elko, NV, will help to repair the damage from last year's record-setting fire season.

The preservation of our public lands is a priority for me. Our public lands are part of what makes the United States a great Nation. I voice my gratitude to all who will participate in National Public Lands Day this year.

CORRECTION FOR THE RECORD

Mr. GREGG. Mr. President, I wish to correct a press release issued by my office on August 2, 2007. In this release, we correctly quoted Senator BAUCUS during the SCHIP debate when he stated, ''We're the only country in the industrialized world that does not have universal coverage. I think the Children's Health Insurance Program is another step to move toward universal coverage.''

Due to a misplaced quotation mark in the release, the following statement I made on the floor was included in the same quotation attributed to Senator BAUCUS: ''Everyone realizes that the goal of this legislation moves us a giant step further down the road to nationalizing healthcare, which would result in a drop in quality and in rationing.'' Although this is an accurate quote, it should have been attributed to me and not Senator BAUCUS, and I apologize for any confusion that our press release may have created.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

THE UNITED STATES AND THE UNITED NATIONS

• Mr. OBAMA. Mr. President, I rise to discuss the United Nations General Assembly. Today, as President Bush prepares to speak before the United Nations General Assembly, we are reminded both of the great potential of American leadership to enhance global security and prosperity and, tragically, of how much ground we have lost in recent years in fulfilling that potential. That ground can only be regained with new, bold, and visionary American leadership that acknowledges past mistakes, embodies and embraces change, and unifies our country to meet the challenges of the 21st century.

America has surmounted far greater hurdles before, renewing itself and leading the world towards shared security and common progress. That is the story of the founding of the United Nations. Its original architect, President Franklin D. Roosevelt, died weeks before the U.N.'s inaugural meeting in San Francisco. Roosevelt never had the opportunity to address the U.N. General Assembly, but his legacy speaks volumes. As American power reached new heights and Allied forces swept across Europe and the Pacific islands to free the world from tyranny, Roosevelt laid the foundations for a new era of collective security by creating a new institution that aimed to guarantee the peace and protect the basic rights of all human beings.

Stalin's obstruction created stalemate in the United Nations, but the United States was not deterred. American presidents created new institutions, like NATO, and encouraged others, including the European Economic Community, to advance the principles and mandate of the U.N. Charter. In the decades that followed, the United States led and listened, gained by being generous, and ultimately prevailed in the struggle with totalitarianism.

Today, it is fashionable in some circles to bash the United Nations. This is all too easy to do, but it is also shortsighted and self-defeating. The United Nations is, we should recall, an American creation. It is also a commonsense vehicle to share global burdens and costs. Despite its evident flaws and failings, the U.N. remains essential to advancing U.S. interests, enhancing global security, spurring development, and providing food, medicine, and life-saving assistance to the world's most needy every day.

The U.N.'s work in development addresses the dire needs of 1 billion people living in extreme poverty. It is the U.N., funded in part by the generosity of America's taxpayers, that prepares and monitors elections in more than 30 countries and assists fragile new democracies. It is the U.N., funded in

part by the generosity of America's taxpayers, that feeds the famished and shelters 20 million refugees fleeing conflict and natural disaster. It is the U.N., funded in part by the generosity of America's taxpayers, that has convened the world's leaders on the urgent issue of climate change. It is the U.N., funded in part by the generosity of America's taxpayers, that strengthens global health and has helped reduce child mortality to its lowest level in history.

Today, the U.N. has more peacekeepers than ever—over 100,000—deployed in 18 missions around the world. Only a small handful are Americans. Since September 11, 2001, more than 700 men and women have lost their lives serving on U.N. peace operations to protect fragile post-conflict transitions in the Great Lakes region of Africa, Afghanistan, Lebanon, Haiti, Sudan, and elsewhere. We should not forget that one of the first terrorist attacks in Iraq targeted the U.N. compound in August of 2003 and resulted in the murder of 22 people, including U.N. Envoy Sergio Vieira de Mello.

No country has a greater stake in a strong United Nations than the United States. That is why it is particularly painful when the U.N. falls short not only of its potential but also of the principles expressed in the U.N. Charter. All too often, member states use U.N. processes as a means to avoid action rather than a means to solve problems. In recent years, U.N. member states have failed to act swiftly or decisively to end the genocide in Darfur.

The Human Rights Council has passed nine resolutions condemning Israel, a democracy with higher standards of human rights than its accusers, but none condemning any other country. The Council has dropped investigations into Belarus and Cuba for political reasons, and its method of reporting on human rights allows the Council's members to shield themselves from scrutiny. The oil-for-food scandal revealed the extent of corruption in the institution and the extent of member states' willingness to tolerate it. Although U.N. operations are often greeted as legitimate, their inefficiencies or misdeeds can turn local people against them.

Progress and renewal will come from reform, not neglect. In the 1940s, the international community with American leadership created the United Nations to meet the needs of their times, but its leaders well understood that time would not stand still. Today, we face a world that is dramatically different than that of 1945. Decision-making procedures designed for a world of some 50 nations must now accommodate almost 200. Some of the old rules are harmless. The General Assembly meets when it does because this was when the steamships used to arrive in New York harbors. But some of the procurement and hiring rules have slowed and encumbered multifaceted peace operations that depend on nimbleness and efficiency for success.

Most of the gravest threats faced by the United States are transnational threats: the proliferation of weapons of mass destruction, terrorism, climate change, and global pandemics like HIV/AIDS. These threats are bred in places marked by other transnational challenges: mass atrocities and genocide, weak and failed states, and persistent poverty. By definition, these are challenges that no single country can manage. America's national security depends as never before upon the will and capacity of other states to deal with their own problems and to take responsibility for tackling global problems. A strong and competent United Nations is more vital than ever to building global peace, security, and prosperity.

The United States must champion reform so the United Nations can help us meet the challenges of the 21st century.

The United Nations must step up to the challenge posed by countries developing illicit nuclear programs. The largest test of our resolve on this grave matter is in Iran, where leaders appear resolved to ignore their responsibilities to the international community. The United Nations must send a clear message to Tehran that if Iran verifiably ends its nuclear program and support for terrorism, it can join the community of nations. If it does not, it will face tougher sanctions and deeper isolation. To this end, all U.N. sanctions against Iran must be fully enforced in order to ensure their effectiveness in pressuring Iran to halt its illicit nuclear program, which has all the hallmarks of an attempt to acquire nuclear weapons.

Governments willing to brutalize their own people on a massive scale cannot escape sanction by the international community. The U.N., joined by the United States, has endorsed the responsibility to protect—the right and responsibility of the international community to act if states do not protect their own people from genocide, war crimes, ethnic cleansing, and crimes against humanity. But, there is a huge gap between words and deeds. Governments must replace their willingness to talk about the abstract ''responsibility to protect'' with an actual willingness to exercise that responsibility. And they should start in Darfur.

The United States should seek to reform the U.N. Human Rights Council and help set it right. If the Council is to be made effective and credible, governments must make it such. We need our voice to be heard loud and clear, and we need to shine a light on the world's most repressive regimes, end the Council's unfair obsession with Israel, and improve human rights policies around the globe.

We need ambassadors to the U.N. who will represent all of America, not an ideological fringe, who will forge coalitions with others, not isolate America, and who will work tirelessly to strengthen the U.N.'s capacity, not revel in weakening it.

The U.S. needs to lead the effort to reform and streamline the U.N.'s bureaucracy, increase efficiency and root out corruption. Managing urgent and high-stakes transnational challenges will be difficult under the best of circumstances. Just as we must demand professionalism, rigor, and accountability from officials in our own government, we must not ask less of those who serve the global good.

Congress needs to support the U.N. with the resources it deserves and abide by the commitments we have made. The Bush administration's record on the payment of dues is uneven, which has depleted the U.N.'s capabilities and sent a signal that this administration does not respect its purpose or its promise. We must guarantee full and prompt payment of our U.N. dues. At the same time, the U.N. and its member states have to uphold their end of the bargain. Too often, we have seen resources wasted or spent to protect parochial interests. It is time to ensure that the U.N.'s money is well spent.

We should not merely react to crises once they occur. By working through the U.N., as well as other multilateral agencies and private organizations, the United States can do more to prevent mass violence from occurring in the first place. Combining effective diplomacy and economic assistance or, when necessary, sanctions can help forestall crises that undermine regional and international security.

The U.N. is ultimately an instrument of its member states. Its future is in our hands. Let us provide bold and effective leadership to reinvigorate it so it finally achieves the potential that Roosevelt envisioned and on which our common security and common humanity depend.●

DEDICATION OF THE ARNOLD UNITED STATES COURTHOUSE

Mr. PRYOR. Mr. President. I would like to draw the Senate's attention to a dedication ceremony occurring on September 28, 2007, in Little Rock, AR. The Richard Sheppard Arnold U.S. Courthouse, located at 500 West Capitol Avenue, is named after one of Arkansas's rarest of men. Judge Arnold intertwined great skill in law with unmatched integrity and character.

The late Supreme Court Justice William J. Brennan, Jr., once described his former law clerk as ''one of the most gifted members of the federal judiciary.'' Other colleagues point to Judge Arnold as a lifetime teacher, master of the written word, and a model of humility. In his obituary, which he wrote, Judge Arnold said that he thought if he left a mark on the world at all, it would be in his written opinions. However, he concluded that his administrative assignments were his most significant achievements. His legal career began at Yale College, where he earned a bachelor's degree summa cum laude in 1957 followed by graduation magna

cum laude from Harvard Law School in 1960.

Immediately out of law school, he served as a law clerk to Justice Brennan before joining the Washington, DC, office of Covington & Burling, also serving as a part-time instructor at the University of Virginia Law School. In 1964, he returned to Texarkana, AR, as a partner at Arnold & Arnold. During this time, he also began working as a legislative secretary to Governor Dale Bumpers and later moved to Washington, DC, when Bumpers was elected U.S. Senator.

Judge Arnold's reputation for judicial brilliance and impeccable civility advanced while he served as the U.S. District Judge for the Eastern and Western Districts of Arkansas. He was confirmed again in 1980 when President Carter nominated him to a new seat on the U.S. Court of Appeals for the Eighth Circuit. Judge Arnold served as chief judge from 1992 to 1998.

In addition to his work on the bench, Judge Arnold's service and leadership extended into countless civic, political, and educational projects. He was the recipient of numerous awards, most notably the 1996 Environmental Law Institute Award, Award for Service to Women in the Law from the St. Louis Women Lawyers Association in 1998, the Edward J. Devitt Distinguished Service to Justice Award in 1999, and the Meador-Rosenberg Award for the Standing Committee on Federal Judicial Improvements of the American Bar Association in 1999. He also received honorary doctor of law degrees from the University of Arkansas, the University of Arkansas at Little Rock, and the University of Richmond. He is also the author of many legal articles in many of the Nation's most respected law reviews and journals.

The American Law Institute cites Judge Arnold's accomplishments as ''remarkable by any measure'' and then adds ''they neither capture nor define the quality and spirit of the man who achieved them.'' The same is true for this courthouse. It cannot fully honor Judge Arnold for his contributions to society, but it does serve as a standing and strong reminder of an extraordinary Judge and the justice he pursued in and out of the courtroom.

50TH ANNIVERSARY OF DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL

Mr. KENNEDY. Mr. President, today the Nation celebrates the 50th anniversary of the court order requiring desegregation of Little Rock Central High School. It was a case that shocked the Nation with its graphic illustration of the horrors of Jim Crow and the very real limits it placed on the educational opportunities of millions of American children. On September 25, 1957, the Little Rock Nine were finally allowed to enter their classrooms, but only with the aid of Federal troops.

Although the students were enrolled that day, the actual process of desegregating Little Rock High School took far longer. These courageous young students had to endure taunts and abuse from their White classmates, and late night phone calls threatening violence against their families. They realized they carried the weight of their communities' futures on their young shoulders.

The effort to fully integrate the Nation's schools continued long after these first African-American students graduated, and it was not until this year that a court declared the school district fully integrated. This process of racially integrating America's public schools was repeated, if in less dramatic ways, throughout the Nation in the 1960s and 1970s.

The 50th anniversary is a reminder that the Nation has sacrificed a great deal to achieve integration, and with great success. Since the historic decision in Brown v. Board of Education in 1954, the march of progress has brought the Nation closer to its high ideals of liberty and justice for all. The struggle for equal educational opportunity has been at the heart of that march of progress, because education is the key to achieving true opportunity in all areas of American society. Education is a powerful force for increasing economic opportunity, combating residential segregation, exercising the right to vote, and fully integrating all our people into the fabric of American life.

When Robert Kennedy served as Attorney General, the effort to desegregate schools was one of his most important priorities, because he understood so well that in the context of segregation, justice delayed is justice denied.

In the past half century, we have come far, but hardly far enough. Civil rights is still the unfinished business of America. In many schools, formal integration has not brought full equality in the classroom. The troubling reports of racial violence and discriminatory discipline in Jena, LA, are an appalling current example, in which White students hung nooses in a schoolyard tree set off months of racial tension. But integration has been incomplete in less dramatic ways as well. Too often, for example, the tracking of students into advanced courses has tended to reflect racial stereotypes and preserve racial divisions.

From the 1980s to the present, we have also seen a new movement that has sought to undermine civil rights progress. Some have adopted the rhetoric of the civil rights movement to undermine its progress, often using the same strategies developed by civil rights leaders in the battle against Jim Crow. We see that result in efforts to have the courts undo landmark civil rights decisions.

Fortunately, the Supreme Court has declined recent invitations to turn back the clock on educational diversity and integration. Although the Court has found fault with some school integration plans such as in Seattle and Jefferson County, KY, its decision made clear that schools can continue to strive for racially inclusive classrooms, and that the door is still open for continued progress.

As a practical matter, it is up to individual educators, parents, school districts to make the promise of equal educational opportunity a reality. Achieving genuine integration and full equality in education takes more than a court decision. It takes good will, vision, creativity, common sense, and a firm commitment to the goal of educating all children, regardless of race. Above all, it takes a realistic assessment in each local community to determine what will work to bring students together.

That challenge is difficult to meet, but the benefits are enormous. Diversity in education benefits all students, and the Nation too. In our diverse society, it is vitally important for children to develop interactions and understanding across racial and cultural lines. Our economic future depends on our ability to educate all children to become productive members of society. That view is widely shared. Leaders of the military community and the business community have made clear that a diverse and highly educated workforce is important to their success, too.

The court order to integrate Little Rock High School helped lay the foundation for subsequent civil rights decisions and gave an immense boost to the civil rights movement. We have come a long way since that historic decision. But the struggle to fulfill Brown's promise continues today. This anniversary is an important reminder of the work still to be done to achieve true equality in education for the Nation's children.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

WATER RESOURCES DEVELOPMENT ACT

• Mr. OBAMA. Mr. President, I applaud the Senator from California, Ms. BOXER, for her leadership and hard work in passing the Water Resources Development Act (WRDA) conference report yesterday. Had I been in Washington, DC, yesterday, I would have enthusiastically voted for the conference report on final passage.

Typically these critical water infrastructure authorizations are enacted by Congress every two years. For almost eight years, however, these priorities have languished under the watch of the previous Senate leadership. At the beginning of the 110th Congress in January, when the Senator from California became Chairman of the Environment and Public Works Committee, she pledged that the Water Resources Development Act would be completed by the Senate in a timely fashion. She kept that pledge, and I applaud her commitment.

By comparison, during the 109th Congress, those of us who supported swift

enactment of this bill encountered considerable obstacles. As a member of the Senate Environment and Public Works Committee, I was the only Democrat on the Committee to be an original cosponsor of the bill; when the bill passed out of committee in March 2005, I called upon then-Majority Leader Frist to schedule floor time for the bill that summer. It did not occur.

In September of 2005, the Senator from Missouri, Mr. BOND, and I worked together on a bipartisan letter, signed by 40 of our colleagues, calling upon Senate Republican leadership to schedule floor time for this bill. We were informed that the support of 40 Senators was insufficient, that 60 signatures would be necessary. So we gathered 80 signatures. It was not until September 2006 that the Senate finally scheduled debate on WRDA, too late for the bill to be conferenced before the end of the 109th Congress.

I will ask that the text of those letters be printed in the RECORD.

Now it is September 2007, and at long last, the conference report has been completed. This bill authorizes almost $2 billion for upgrades to locks and dams along the Mississippi and Illinois Rivers. Illinois is the largest shipper of corn and soybeans on these rivers, and the 70 year old system of locks and dams needs these upgrades to ensure swifter access to export markets—something, by the way, that competitors like Brazil are doing right now. A significant part of the farm economy is about reducing transportation costs, so if we are to strengthen our agriculture markets, we need to strengthen waterway transportation, and that means upgrading these locks and dams.

The bill also authorizes funding for a number of noteworthy Illinois projects, including the Keith Creek dam to prevent flooding in Rockford, Illinois, a third-party review of the disagreement in reconstructing Promontory Point in Chicago, and dredging at the Beardstown, Illinois harbor.

Remarkably, the President has proposed a veto of this bill, which includes approval for nationwide funding of critical flood control, navigation, environmental restoration, and storm damage reduction initiatives; the importance of such funding was tragically highlighted by Hurricane Katrina. I urge the President to drop that veto threat and support these long-delayed upgrades to our national infrastructure that were approved overwhelmingly by the House and Senate.

Mr. President, I ask unanimously to have the letters to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 25, 2006.

Hon. BILL FRIST,
Senate Majority Leader,
Hon. HARRY REID,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR FRIST AND SENATOR REID: Wise investment in our water resources remains an urgent need in our country. America's communities continue to face the threats posed by flooding and other natural disasters. The devastation along the Gulf Coast last year underscores the importance of shoring up our defenses against catastrophic floods in all areas of the nation. With these points in mind, we urge you to schedule floor time for the Water Resources Development Act (S. 728) at the start of this session of Congress.

As you know, this bill authorizes critical flood control, shore protection, dam safety, storm damage reduction, and environmental restoration projects across the country. These projects, subject to appropriations, will help protect America's communities from the destruction caused by severe weather and flooding, as well as enhancing natural means of protection by restoring our fragile ecosystems. Furthermore, these projects save taxpayers money by decreasing the recovery costs associated with disasters.

In addition, this legislation is needed to support our nation's vital waterways and ports—key components of our national transportation system and the backbone of a healthy economy.

Recent hurricanes and severe storms have taught the nation a tragic lesson: maintain and improve our aging flood control and water resources infrastructure or risk the ruin and destruction of our communities. This bill moves us in the right direction toward addressing and preventing these grave threats to public safety.

It has been five years since the last WRDA was enacted into law. In contrast, three WRDA bills were enacted from 1995 to 2000 with an accumulated authorized cost level that surpasses the current bill. Local and state non-Federal cost-sharing partners cannot afford any further delay. We urge you to act expeditiously to bring this important bill to the full Senate for immediate consideration.

Sincerely,

Sen. James Inhofe, Sen. Thad Cochran, Sen. Jim Jeffords, Sen. Robert Byrd, Sen. Lindsey Graham, Sen. Arlen Specter, Sen. Rick Santorum, Sen. Richard Durbin, Sen. Debbie Stabenow, Sen. Norm Coleman, Sen. Sam Brownback, Sen. Ted Stevens, Sen. Mike Crapo, Sen. Chuck Grassley, Sen. Pete V. Domenici, Sen. Dianne Feinstein, Sen. Lamar Alexander, Sen. Mel Martinez, Sen. John Cornyn, Sen. Barbara A. Mikulski, Sen. Lisa Murkowski, Sen. Bill Nelson, Sen. Maria Cantwell, Sen. Ron Wyden, Sen. Lincoln Chafee, Sen. Johnny Isakson, Sen. Jim Talent, Sen. Carl Levin, Sen. Tom Harkin, Sen. Jeff Bingaman, Sen. Barack Obama, Sen. Patty Murray, Sen. Mark Dayton, Sen. Gordon H. Smith, Sen. John Thune, Sen. John Warner, Sen. Kay Bailey Hutchison, Sen. Robert Menendez, Sen. Pat Roberts, Sen. David Vitter, Sen. Mark Pryor, Sen. Frank R. Lautenberg, Sen. Wayne Allard, Sen. George Voinovich, Sen. John F. Kerry, Sen. John D. Rockefeller, Sen. Mary Landrieu, Sen. Tim Johnson, Sen. Barbara Boxer, Sen. Byron Dorgan, Sen. Charles Schumer, Sen. Herb Kohl, Sen. Blanche Lincoln, Sen. Richard Burr, Sen. Max Baucus, Sen. George Allen, Sen. Elizabeth Dole, Sen. Paul Sarbanes, Sen. Daniel Inouye, Sen. Hillary Clinton, Sen. Larry Craig, Sen. Ken Salazar, Sen. Kent Conrad, Sen. Ben Nelson, Sen. Tom Carper, Sen. Mike DeWine, Sen. Olympia Snowe, Sen. Chuck Hagel, Sen. Saxby Chambliss, Sen. Jim Bunning, Sen. Robert Bennett, Sen. Richard Shelby, Sen. Christopher Bond, Sen. Conrad Burns, Sen. Orrin Hatch, Sen. Richard Lugar, Sen. Jack Reed, Sen. Daniel Akaka.

U.S. SENATE,
Washington, DC, February 16, 2006.

Hon. BILL FRIST,
Senate Majority Leader,
U.S. Senate, Washington, DC.
Hon. HARRY REID,
Senate Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR FRIST AND SENATOR REID: We are writing to you to join our colleagues who sent you the attached letter requesting that you schedule floor time for the Water Resources Development Act (S. 728) at the beginning of this session of Congress. The attached letter details the critical needs for flood control, shore protection, dam safety, storm damage reduction, and ecosystem restoration projects across the country that this bill will authorize. There has not been a WRDA bill enacted into law since 2000. It is time for the Congress to act.

Sincerely,

EVAN BAYH.
PATRICK LEAHY.

U.S. SENATE,
Washington, DC, September 28, 2005.

Hon. BILL FRIST,
Senate Majority Leader,
Hon. HARRY REID, Senate Minority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR FRIST AND SENATOR REID: Earlier this year, the Senate Environment and Public Works Committee approved S. 728, the Water Resources Development Act of 2005 (WRDA). The devastation along the Gulf Coast has served as a warning to America to shore up our defenses against catastrophic floods. With these vivid images in mind, we urge you to grant floor time for this bill prior to the completion of this session of Congress.

As you know, this bill authorizes critical flood control, storm damage reduction, and environmental restoration projects across the country. These projects will help protect America's communities from the destruction caused by severe weather and flooding, as well as enhancing natural means of protection by restoring our fragile ecosystems.

In addition, this legislation is needed to support our nation's vital waterways and ports—key components of our national transportation system and our economy.

Hurricane Katrina taught the nation a tragic lesson: maintain and improve our aging flood control and water resources infrastructure or risk the ruin and destruction of our communities. This bill moves us in the right direction toward addressing and preventing these grave threats to public safety.

It has been nearly five years since the last WRDA was enacted into law. America's water resources and the communities they serve cannot afford any further delay. We urge you to act expeditiously to bring this very important bill to the full Senate for immediate consideration.

Sincerely,

James M. Jeffords, Christopher S. Bond, Jim DeMint, George V. Voinovich, Barack Obama, Jim Talent, Mike Crapo, Barbara A. Mikulski, Mel Martinez, Norm Coleman, Bill Nelson, David Vitter, John Warner, Jon S. Corzine, Frank R. Lautenberg, Richard Durbin, Carl Levin, Sam Brownback, Tim Johnson, Mark Dayton, Robert C. Byrd, John Cornyn, Ron Wyden, James M. Inhofe, Johnny Isakson, Lisa Murkowski, John Thune, Barbara Boxer, Lincoln Chafee, Tom Harkin, Paul Sarbanes, Pete V. Domenici, Chuck Grassley, Dianne Feinstein, Mary L. Landrieu, Kay Bailey Hutchison, Debbie Stabenow, Pat Roberts, Patty

Murray, Gordon Smith, Mark Pryor, Lamar Alexander, Blanche L. Lincoln, Maria Cantwell.●

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, pursuant to section 301 of S. Con. Res. 21, I previously filed revisions to S. Con. Res. 21, the 2008 budget resolution. Those revisions were made for legislation reauthorizing the State Children's Health Insurance Program, SCHIP.

The Senate passed H.R. 976 on August 2. To preserve the adjustment for SCHIP legislation, I am further revising the 2008 budget resolution and reversing the adjustments previously made pursuant to section 301 to the aggregates and the allocation provided to the Senate Finance Committee. Assuming it meets the conditions of the deficit-neutral reserve fund specified in section 301, I will again adjust the aggregates and the Senate Finance Committee's allocation for final SCHIP legislation.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,015.841
FY 2009	2,113.811
FY 2010	2,169.475
FY 2011	2,350.248
FY 2012	2,488.296
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−34.955
FY 2009	6.885
FY 2010	5.754
FY 2011	−44.302
FY 2012	−108.800
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,495.877
FY 2009	2,517.139
FY 2010	2,570.687
FY 2011	2,686.675
FY 2012	2,721.607
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,467.472
FY 2009	2,565.763
FY 2010	2,600.015
FY 2011	2,693.749
FY 2012	2,705.780

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION

[In millions of dollars]

Current Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,086,142
FY 2008 Outlays	1,081,969
FY 2008–2012 Budget Authority	6,064,784
FY 2008–2012 Outlays	6,056,901

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 301 DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION—Continued

[In millions of dollars]

Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	−7,237
FY 2008 Outlays	−2,055
FY 2008–2012 Budget Authority	−47,405
FY 2008–2012 Outlays	−35,191
Revised Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,078,905
FY 2008 Outlays	1,079,914
FY 2008–2012 Budget Authority	6,017,379
FY 2008–2012 Outlays	6,021,710

FOOD AND DRUG ADMINISTRATION AMENDMENTS ACT

Mr. ALEXANDER. Mr. President, last week the Senate passed H.R. 3580, the Food and Drug Administration Amendments Act of 2007, and sent it on to the President for his signature. This is the biggest drug safety reform in a decade, and I was proud to support it. Among other things, this legislation will help the FDA do a better job approving and monitoring prescription drugs and medical devices, encourage the research and development of medical treatments for children, and provide needed resources to the FDA.

I am very pleased that the incentive which encourages more studies of medicines in children was preserved in the final version of this bill. Over the last 10 years, this program has helped provide worried parents and concerned physicians with information they need to make better decisions in prescribing treatment for young children. By extending drug patents in exchange for additional research on how these drugs affect children, this program has prompted studies on 144 products and led to 122 label changes on some of the most frequently prescribed medicines for children. Clearly the system works and should be continued, especially since to date only a third of drugs prescribed to children have been studied and labeled for children.

I also am pleased that this legislation reinforces FDA's broad authority over prescription drug labels. Under current law, States are preempted from substituting their judgment for the FDA's scientific decisions based on exhaustive reviews of clinical data. If this weren't the case, medicine labels would become so overwhelmed with warnings designed to avert lawsuits that most Americans will simply stop paying attention to them.

Additionally, Congress has decided to give FDA the authority to make expedited labeling changes, so that when prescription drug safety problems are identified the FDA and drug manufacturers can work together to quickly update product labels to ensure that the American people have the latest safety information. If a drug manufacturer comes to the FDA in good faith to discuss the possible need for an expedited labeling change—and if the FDA does not respond in a timely manner or decides that the science does not require a labeling change—then that drug manufacturer should not be subject to frivolous lawsuits.

I am pleased that Congress came together in a bipartisan manner to approve this legislation. It can serve as a model for how the parties can come together to pass other meaningful bills during the remainder of the 110th Congress.

ADDITIONAL STATEMENTS

HONORING THE LIFE OF DR. EDWARD M. GRAMLICH

● Mr. LEVIN. Mr. President, I would like to honor the life of Dr. Edward M. Gramlich, who recently passed away at the age of 68. Dr. Gramlich was an outstanding and dedicated public servant whose expertise, knowledge, and counsel were highly sought after among the leaders of Michigan's economic and academic communities.

Dr. Gramlich will be best remembered as a pragmatic economist who championed the cause of consumer protection and sought to tighten mortgage lending practices. Appointed to the Board of Governors of the Federal Reserve System in 1997 by President Clinton, Dr. Gramlich brought a balanced view to the Reserve Board that included a deep respect for consumer-protection issues. For years he warned of the looming crisis in the mortgage industry, citing excessive fees and high cost mortgages offered to those who could not afford them. In June of this year, while undergoing medical treatment, Dr. Gramlich published a timely critique of these practices entitled ''Sub-prime Mortgages: America's Latest Boom and Bust,'' which both assessed the issue and offered timely solutions to the problem.

In 2005, Dr. Gramlich resigned from the Fed to return as interim provost to the University of Michigan, where he enjoyed a decades-long affiliation. He held a number of distinguished positions there throughout his career, including as a professor of economics and public policy, chair of the Economics Department, and Dean of the Ford School of Public Policy. Other important positions included Dr. Gramlich's service as chair of the Air Transportation Stabilization Board after the attacks of September 11, 2001; deputy director and acting director of the Congressional Budget Office; senior fellow at the Brookings Institute; and director of the Policy Research Division at the Office of Economic Opportunity.

Prior to his work with the Reserve Board, Dr. Gramlich served as chairman of the Neighborhood Reinvestment Corporation. In that capacity Dr. Gramlich worked to urge legislators to clamp down on predatory lending practices and to toughen regulations on

banks and mortgage lenders. During his tenure at the Fed, his strong calls for regulation were often met with resistance from a system that favors industry self-regulation. Given today's mortgage and credit crises, we cannot help but wonder ''what if'' with respect to many of those decisions. In any event, as Congress and the States seek ways to grapple with the current situation, Dr. Gramlich's work on consumer protection issues and his insightful analyses will undoubtedly have significant influence.

Dr. Gramlich is mourned by many in Michigan and across the country, including his wife Ruth; his children, Sarah Howard and Robert; his parents, J. Edward and Harriet; as well as many other family members, friends, and colleagues. Dr. Gramlich made an extraordinary impact throughout his life, and I hope that those mourning this loss find comfort in the significant legacy he leaves behind.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 a nomination and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 5:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, 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. 1199. An act to attend the grant program for drug-endangered children.

H.R. 1389. An act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

H.R. 1520. An act to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes.

H.R. 1664. An act to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library.

H.R. 3375. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

H.R. 3540. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 140. Concurrent resolution recognizing the low presence of minorities in the financial services industry and minorities and women in upper level positions of management, and expressing the sense of the Congress that active measures should be taken to increase the demographic diversity of the financial services industry.

H. Con. Res. 186. Concurrent resolution honoring the 75th anniversary of Brookgreen Gardens in Murrells Inlet, South Carolina.

H. Con. Res. 193. Concurrent resolution recognizing all hunters across the United States for their continued commitment to safety.

H. Con. Res. 217. Concurrent resolution to correct technical errors in the enrollment of the bill H.R. 3580.

The message further announced that the House has passed the following bill, without amendment:

S. 1983. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, to extend and improve the collection of maintenance fees, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1199. An act to extend the grant program for drug-endangered children; to the Committee on the Judiciary.

H.R. 1389. An act to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

H.R. 1664. An act to authorize grants for contributions toward the establishment of the Woodrow Wilson Presidential Library; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 140. Concurrent resolution recognizing the low presence of minorities in the financial services industry and minorities and women in upper level positions of management, and expressing the sense of the Congress that active measures should be taken to increase the demographic diversity of the financial services industry; to the Committee on Banking, Housing, and Urban Affairs.

H. Con. Res. 186. Concurrent resolution honoring the 75th anniversary of Brookgreen Gardens in Murrells Inlet, South Carolina; to the Committee on Energy and Natural Resources.

H. Con. Res. 193. Concurrent resolution recognizing all hunters across the United States for their continued commitment to safety; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1520. An act to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3386. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving exports to Turkey including seven Boeing 737–800 passenger aircraft; to the Committee on Banking, Housing, and Urban Affairs.

EC–3387. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Mississippi Regulatory Program'' (Docket No. MS–021–FOR) received on September 24, 2007; to the Committee on Energy and Natural Resources.

EC–3388. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Alachlor; Pesticide Tolerance'' ((FRL No. 8147–2)(Docket No. EPA–HQ–OPP–2007–0146)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3389. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio'' ((FRL No. 8470–7)(Docket No. EPA–R05–OAR–2006–0544)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3390. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Louisiana; Clean Air Interstate Rule Nitrogen Oxides Trading Programs'' ((FRL No. 8473–5)(Docket No. EPA–R06–OAR–2007–0651)) received on September 21, 2007; to the Committee on Environment and Public Works .

EC–3391. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' ((FRL No. 8471–9)(Docket No. EPA–R07–OAR–2007–0926)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3392. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arkansas; Clean Air Interstate Rule Nitrogen Oxides Ozone Season Trading Program'' ((FRL No. 8473–3)(Docket No. EPA–R06–OAR–2007–0886)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3393. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Award of United States-Mexico Border Program and Alaska Rural and Native Villages Program Grants Authorized by the Revised Continuing Appropriations Resolution, 2007'' (FRL No. 8472–1) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3394. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Methamidophos, Oxydemeton-methyl, Profenofos, and Trichlorfon; Tolerance Actions'' ((FRL No. 8147–6) (Docket No. EPA–HQ–OPP–2007–0261)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3395. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyraclostrobin; Pesticide Tolerance'' ((FRL No. 8148–6) (Docket No. EPA–HQ–OPP–2006–0522)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3396. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Sulfosulfuron; Pesticide Tolerance'' ((FRL No. 8147–4) (Docket No. EPA–HQ–OPP–2006–0206)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3397. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments to Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Correction of Effective Date Under Congressional Review Act'' ((FRL No. 8473–1) (Docket No. EPA–R03–OAR–2007–0174)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3398. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Tepraloxydim; Pesticide Tolerance'' ((FRL No. 8148–1) (Docket No. EPA–HQ–OPP–2007–0145)) received on September 21, 2007; to the Committee on Environment and Public Works.

EC–3399. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Expanded Definition of Byproduct Material'' (RIN3150–AH84) received on September 24, 2007; to the Committee on Environment and Public Works.

EC–3400. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Archaeological Material from Mali'' (RIN1505–AB86) received on September 20, 2007; to the Committee on Finance.

EC–3401. A communication from the Acting Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Archaeological Material from Guatemala'' (RIN1505–AB87) received on September 21, 2007; to the Committee on Finance.

EC–3402. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Child Care and Development Fund; to the Committee on Finance.

EC–3403. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—October 2007'' (Rev. Rul. 2007–63) received on September 20, 2007; to the Committee on Finance.

EC–3404. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Temporary Closing of Determination Letter Program for Adopters of Pre-Approved Defined Contribution Plans'' (Announcement 2007–90) received on September 20, 2007; to the Committee on Finance.

EC–3405. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rul. 2007–55) received on September 20, 2007; to the Committee on Finance.

EC–3406. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Hotel Industry Overview Guide'' (LMSB–04–0807–054) received on September 24, 2007; to the Committee on Finance.

EC–3407. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Annual Report for fiscal year 2006; to the Committee on Foreign Relations.

EC–3408. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, ''The Mentoring Children of Prisoners Program''; to the Committee on Health, Education, Labor, and Pensions.

EC–3409. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Strategic Plan for fiscal years 2007 to 2012; to the Committee on Health, Education, Labor, and Pensions.

EC–3410. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report entitled, ''Report on the Necessity and Desirability of Amending the Federal Rules of Evidence to Codify a 'Harm to Child' Exception to the Marital Privileges''; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–229. A resolution adopted by the Board of Commissioners of the County of Armstrong, Pennsylvania, urging Congress to allow federal financial participation for medical benefits to incarcerated individuals until convicted and sentenced; to the Committee on Finance.

POM–230. A concurrent resolution adopted by the Senate of the State of New Hampshire urging Congress to fully fund the federal government's share of special education services in public schools; to the Committee on Health, Education, Labor, and Pensions.

CONCURRENT RESOLUTION

Whereas, since its enactment in 1975, the Individuals with Disabilities Education Act (IDEA) has helped millions of children with special needs to receive a quality education and to develop to their full capacities; and

Whereas, IDEA has moved children with disabilities out of institutions and into public school classrooms with their peers; and

Whereas, IDEA has helped break down stereotypes and ignorance about people with disabilities, improving the quality of life and economic opportunity for millions of Americans; and

Whereas, when the federal government enacted IDEA, it promised to fund up to 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, the federal government currently funds, on average, less than 17 percent of the average per pupil expenditure in public elementary and secondary schools in the United States; and

Whereas, local school districts and state government end up bearing the largest share of the cost of special education services; and

Whereas, the federal government's failure to adequately fulfill its responsibility to special needs children undermines public support for special education and creates hardship for disabled children and their families; and

Whereas, the general court is currently challenged with the responsibility of defining and funding an adequate education for all children in this state; and

Whereas, these legislative efforts are significantly burdened and constrained by the costs incurred by the federal government's failure to meet its full financial promise under IDEA: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the New Hampshire general court urges the President and the Congress, prior to spending any surplus in the federal budget, to fund 40 percent of the average per pupil expenditure in public elementary and secondary schools in the United States as promised under IDEA to ensure that all children, regardless of disability, receive a quality education and are treated with the dignity and respect they deserve; and

That copies of this resolution be forwarded by the senate clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the New Hampshire congressional delegation.

POM–231. A concurrent resolution adopted by the Legislature of the State of Texas urging Congress to restore full funding to the Community Oriented Policing Services program; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 125

Whereas, in 1994, the Violent Crime Control and Law Enforcement Act created the Community Oriented Policing Services (COPS) program and for more than a decade the COPS initiative has awarded more than $11 billion to over 13,000 agencies across the country; in the last six years, however, the COPS program has suffered numerous cuts in funding, threatening to reverse the improvements in law enforcement credited to the program at a time when national security is a concern at all levels of government; and

Whereas, the recently filed Prosperous and Secure Neighbor Alliance Act of 2007 would allocate $170 million to the United Mexican States to professionalize the Mexican police force for patrols along the U.S.-Mexico border, sending a significant portion of the limited federal aid available to Mexico, further jeopardizing the efforts of state and local law enforcement agencies that depend on continued funding through the COPS program; and

Whereas, among the initiatives established under the COPS program is the universal hiring program that resulted in the hiring or redeployment of more than 118,000 law enforcement officers in over 12,000 enforcement agencies nationwide and training initiatives

that have helped deliver to more than 340,000 officers classes on topics ranging from ethics to terrorism; in offering grants to implement innovative programs such as these, COPS has played a significant role in reducing the crime rate in many areas of the country; but recent cuts to the program have negatively impacted recipient agencies across the country and specifically along the Texas-Mexico border where Texas law officers are consistently understaffed, underpaid, and overworked; and

Whereas, while the United States must rely on neighboring nations to do their part to maintain border security, it is equally crucial that programs such as COPS continue to receive the funding necessary to provide adequate resources to safeguard our borders and achieve a level of security expected by the American people; unfortunately, sending funds to Mexico and at the same time reducing federal assistance locally substantially imperils this worthy goal: Now, therefore, be it

Resolved, That the 80th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to restore full funding to the Community Oriented Policing Services program to assist Texas law enforcement in patrolling the border before authorizing funding for the police force of the United Mexican States; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–232. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to take such actions as are necessary to research and promote Virtual Command Technology to improve police, emergency medical services, and fire protection; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 41

Whereas, Virtual Command Technology, the remote viewing of a developing emergency which gives firefighters, EMS professionals, and police officers a virtual presence at the scene, will be of enormous significance to the future security of people and property by giving fire, EMS, and police departments unprecedented knowledge of any developing emergency within seconds of its beginning; and

Whereas, in an emergency, time of response and information about the emergency are crucial for successful mitigation in a fire, health, or security incident; and

Whereas, the use of Virtual Command Technology enables fire, EMS, and police responders to reach the emergency with their critical incident planning and preparation in progress as they gain complete situational awareness of the incident and are able to put mitigation plans in place, then take action immediately upon arrival at the scene; and

Whereas, the advantage of Virtual Command Technology is that first responders can understand a developing emergency and react to it within seconds of the alert, as opposed to conventional technology, which only allows for response upon arrival at the scene; and

Whereas, Virtual Command Technology integrates video with a unique graphic display of alarm activity utilizing a database of building floor plans overlaid with icons representing sensors, detectors, and critical emergency building information; and

Whereas, in a fire emergency, smoke detector and temperature sensor conditions are updated every second, with the change in color showing the observer the nature of the developing emergency and the actual temperature; and

Whereas, in a security emergency, sensor conditions are updated every second, with icons changing color to allow monitoring personnel to locate perpetrators and track movement throughout the facility; and

Whereas, Virtual Command Technology provides crucial information to commanders enabling them to understand the emergency situation, conduct incident planning, and issue instructions while they are en route to a location so that upon arrival, all responders have their assignments and can begin incident mitigation immediately; and

Whereas, commercial, government, public, and private entities are encouraged to consider Virtual Command Technology for their security and fire protection; and

Whereas, in this consideration, the three key elements of Virtual Command Technology should be understood: (1) the protected facility is networked to police, EMS, and fire dispatch centers for immediate notification and visual validation of an emergency; (2) the protected facility is networked to a tactical monitoring station for situational awareness of a developing security incident; and (3) responding units can view the incident remotely utilizing a mobile computer networked to the facility by a broadband wireless connection; and

Whereas, in October 2006 the effectiveness of Virtual Command Technology was demonstrated in a series of comparative tactical exercises that culminated with a joint police and fire department demonstration by the Baton Rouge police and fire departments; and

Whereas, Baton Rouge Fire Chief Ed Smith and Baton Rouge Police Chief Jeff LeDuff endorsed the technology for its safety aspect for their officers and firefighters and its ability to provide real-time information about an emergency for successful mitigation; and

Whereas, using Virtual Command Technology, Baton Rouge police and fire departments experienced a significant performance increase over current response procedures and practices: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to research and promote Virtual Command Technology to improve police, EMS, and fire protection. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–233. A concurrent resolution adopted by the Legislature of the State of Texas expressing its gratitude for the sacrifices made by veterans; to the Committee on Veterans' Affairs.

HOUSE CONCURRENT RESOLUTION NO. 1

Whereas, military veterans who have served their country honorably and who were promised and have earned health care and benefits from the federal government through the Department of Veterans Affairs are now in need of these benefits; and

Whereas, federal discretionary funding is controlled by the executive branch and the United States Congress through the budget and appropriations process; and

Whereas, direct funding provides the Department of Veterans Affairs with a reliable, predictable, and consistent source of funding to provide timely, efficient, and high-quality health care for our veterans; and

Whereas, currently almost 90 percent of federal health care spending is direct rather than discretionary, and only the funding for health care for active duty military, Native Americans, and veterans is subject to the discretion of the United States Congress; and

Whereas, discretionary funding for health care lags behind both medical inflation and the increased demand for services; for example, the enrollment for veterans' health care increased 134 percent between fiscal years 1996 and 2004 yet funding increased only 34 percent during the same period when adjusted to 1996 dollars; and

Whereas, the Department of Veterans Affairs is the largest integrated health care system in the United States and has four critical health care missions: to provide health care to veterans, to educate and train health care personnel, to conduct medical research, and to serve as a backup to the United States Department of Defense and support communities in times of crisis; and

Whereas, the Department of Veterans Affairs operates 157 hospitals, with at least one in each of the contiguous states, Puerto Rico, and the District of Columbia; and

Whereas, the Department of Veterans Affairs operates more than 850 ambulatory care and community-based outpatient clinics, 132 nursing homes, 42 residential rehabilitation treatment programs, and 88 home care programs; and

Whereas, the Department of Veterans Affairs provides a wide range of specialized services to meet the unique needs of veterans, including spinal cord injury and dysfunction care and rehabilitation, blind rehabilitation, traumatic brain injury care, post-traumatic stress disorder treatment, amputee care and prosthetics programs, mental health and substance abuse programs, and long-term care programs; and

Whereas, the Department of Veterans Affairs health care system is severely underfunded, and had funding for the department's medical programs been allowed to grow proportionately as the system sought to admit newly eligible veterans following the eligibility reform legislation in 1996, the current veterans' health care budget would be approximately $10 billion more; and

Whereas, in a spirit of bipartisan accommodation, members of the United States Congress should collectively resolve the problem of discretionary funding and jointly fashion an acceptable formula for funding the medical programs of the Department of Veterans Affairs: Now, therefore, be it

Resolved, That the 80th Legislature of the State of Texas hereby express its profound gratitude for the sacrifices made by veterans, including those suffering from various medical issues resulting from injuries that occurred while serving in the United States Armed Forces at home or abroad; and, be it further

Resolved, That the legislature hereby respectfully urge the Congress of the United States to support legislation for veterans' health care budget reform to allow assured funding; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the secretary of veterans affairs, to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–234. A concurrent resolution adopted by the Legislature of the State of Texas urging Congress to authorize the Department of

Veterans Affairs to convey the Thomas T. Connally Medical Center to the State of Texas; to the Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION NO. 46

Whereas, the Thomas T. Connally Department of Veterans Affairs Medical Center was a fundamental part of the City of Marlin, Texas, for more than 50 years, and its recent closure dealt a significant blow to the community and surrounding area; and

Whereas, the beginning in 1943, the citizens of Marlin organized a campaign to secure their city as the location for a proposed naval medical facility; initially, 31 individual contributors donated $2,025 to finance their preliminary effort, and two years later, the city raised an additional $25,000 in small contributions from the local citizenry to purchase 150 acres of land for a new naval hospital; and

Whereas, although Marlin's selection as the site for the hospital had been announced in 1944, and the order approving construction of the new 500-bed facility was signed by President Harry S. Truman on July 1, 1945, congressional funding for the project was omitted from appropriations legislation later that year; and

Whereas, undeterred, the residents focused on attracting a 200-bed Veterans Administration general and surgical hospital and collected additional funds for the purchase of eight acres to donate for the facility; the city's efforts came to fruition when the Marlin Veterans Administration Hospital opened on November 1, 1950, with a staff of 14 physicians, 42 nurses, and two dentists; during its 50 years of operation, the hospital provided hundreds of jobs to area residents, continuing to reward the community's early faith and determination; and

Whereas, in 1992, the facility was renamed the Thomas T. Connally Department of Veterans Affairs Medical Center after United States Senator Connally, who championed the city's efforts to have the hospital located in Marlin; regrettably, the medical center has since been closed by the United States Department of Veterans Affairs, and there currently are no plans for its reuse despite a recent extensive remodeling; and

Whereas, although the center's closure was a major economic loss to the residents of Marlin, the city's spirit and goodwill have yet to waver; in the aftermath of Hurricanes Rita and Katrina, Marlin opened the Connally Veterans Administration Medical Center to house medically fragile evacuees from the affected areas, but, with that notable exception, the complex has sat empty and will likely be razed if a permanent use for the center cannot be found; and

Whereas, fortunately, the Connally Veterans Administration Medical Center facilities can be easily converted for a number of uses by the state, presenting a practical and beneficial use for the idle buildings; precedent for the adaptation of a Veterans Administration facility to state use was established in 2001 when the United States Congress authorized the conveyance, without consideration, of all real property and improvements associated with the Fort Lyon Veterans Administration Medical Center in Las Animas, Colorado, to the state of Colorado; and

Whereas, elected officials from Falls County and the City of Marlin, as well as many civic leaders, have expressed their support for the reuse of the Connally Veterans Administration Medical Center, and given the City of Marlin's long history with the site and the fact that it would cost more to destroy the center than to convey the facility to the State of Texas, it is only fitting that the state take advantage of this available resource: Now, therefore, be it

Resolved, that the 80th Legislature of the State of Texas hereby respectfully request the Congress of the United States to authorize the secretary of the United States Department of Veterans Affairs to convey the Thomas T. Connally Department of Veterans Affairs Medical Center located in Marlin, Texas, to the State of Texas; and, be it further

Resolved, that the Texas secretary of state forward official copies of this resolution to the president of the United States, to the Speaker of the House of Representatives and the president of the Senate of the United States Congress, to all members of the Texas delegation to the Congress, and to the Secretary of the United States Department of Veterans Affairs with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself and Mr. MCCAIN):

S. 2087. A bill to amend certain laws relating to Native Americans to make technical corrections, and for other purposes; to the Committee on Indian Affairs.

By Mr. FEINGOLD (for himself, Mr. SUNUNU, Mr. DURBIN, Ms. MURKOWSKI, Mr. SALAZAR, and Mr. HAGEL):

S. 2088. A bill to place reasonable limitations on the use of National Security Letters, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. WHITEHOUSE, Ms. MIKULSKI, Ms. COLLINS, Mr. KOHL, and Mr. KERRY):

S. 2089. A bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices; to the Committee on Finance.

By Mr. AKAKA (by request):

S. 2090. A bill to protect privacy and security concerns in court records; to the Committee on Veterans' Affairs.

By Mr. AKAKA (by request):

S. 2091. A bill to increase the number of the court's active judges; to the Committee on Veterans' Affairs.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mr. OBAMA):

S. 2092. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. SANDERS):

S. 2093. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Missisquoi and Trout Rivers in the State of Vermont for study for potential addition to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR:

S. Res. 330. A resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan, and Palestine; to the Committee on Foreign Relations.

By Mr. MENENDEZ (for himself and Ms. SNOWE):

S. Res. 331. A resolution expressing the sense of the Senate that Turkey should end its military occupation of the Republic of Cyprus, particularly because Turkey's pretext has been refuted by over 13,000,000 crossings of the divide by Turkish-Cypriots and Greek Cypriots into each other's communities without incident; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 305

At the request of Mr. GRASSLEY, the names of the Senator from Illinois (Mr. OBAMA) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 305, a bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter.

S. 773

At the request of Mr. WARNER, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 790

At the request of Mr. LUGAR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Tennessee (Mr. CORKER) 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. 1105

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1105, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. 1232

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1232, a bill to direct the Secretary of

Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1359

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1359, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 1382

At the request of Mr. REID, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor 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 Illinois (Mr. OBAMA) 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. 1543

At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Idaho (Mr. CRAPO) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. 1555

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1555, a bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes.

S. 1571

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1571, a bill to reform the essential air service program, and for other purposes.

S. 1603

At the request of Mr. MENENDEZ, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1616

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1616, a bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1895

At the request of Mr. REED, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1895, a bill to aid and support pediatric involvement in reading and education.

S. 1930

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1965

At the request of Mr. STEVENS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1965, a bill to protect children from cybercrimes, including crimes by online predators, to enhance efforts to identify and eliminate child pornography, and to help parents shield their children from material that is inappropriate for minors.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2061

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of 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.

S. 2063

At the request of Mr. CONRAD, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Tennessee (Mr. ALEXANDER), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of 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.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2075

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2075, a bill to ensure that women seeking an abortion receive an ultrasound and the opportunity to review the ultrasound before giving informed consent to receive an abortion.

S. 2085

At the request of Mr. BROWN, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Texas (Mr. CORNYN) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2085, a bill to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program.

AMENDMENT NO. 2067

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 2067 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. 2872

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 2872 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.

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2872 intended to be proposed to H.R. 1585, supra.

AMENDMENT NO. 2919

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator

from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 2919 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. 2931

At the request of Mr. CASEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 2931 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. 2969

At the request of Mr. KERRY, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2969 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. 2972

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 2972 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. 2989

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 2989 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.

At the request of Mr. DORGAN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 2989 intended to be proposed to H.R. 1585, supra.

AMENDMENT NO. 2993

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of amendment No. 2993 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. 3003

At the request of Mrs. MCCASKILL, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3003 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. 3012

At the request of Mr. LAUTENBERG, the names of the Senator from Virginia (Mr. WEBB) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 3012 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. 3017

At the request of Mr. KYL, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 3017 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. SUNUNU, Mr. DURBIN, Ms. MURKOWSKI, Mr. SALAZAR, and Mr. HAGEL):

S. 2088. A bill to place reasonable limitations on the use of National Security Letters, and for other purposes; to the Committee on the Judiciary.

Mr. FEINGOLD. I am pleased today to introduce the National Security Reform Act of 2007, a bipartisan effort that has the support of Senators who I respect a great deal, and with whom I have worked over the years on the Patriot Act and other issues. It also has the support of organizations and activists across the political spectrum.

This past spring, the Inspector General of the Justice Department issued the results of a congressionally mandated audit, an audit that examined the FBI's implementation of its dramatically expanded authority under the USA PATRIOT Act to issue National Security Letters, or NSLs. The Inspector General found, as he put it: ''widespread and serious misuse of the FBI's national security letter authorities. In many instances, the FBI's misuse of national security letters violated NSL statutes, Attorney General Guidelines, or the FBI's own internal policies.'' A subsequent internal audit conducted by the FBI itself confirmed the IG's findings.

After the IG report came out, the Judiciary Committee heard from the Inspector General himself, who described his conclusions in detail, and from the FBI Director, who talked about some steps the FBI is taking in response to the report.

I appreciate that the FBI agrees with the IG's conclusions and recognizes that it needs to change the way it does business when it comes to NSLs. But in my view, leaving it to the FBI to fix this problem is not enough.

Unfortunately, Congress shares some responsibility for the FBI's troubling implementation of these broad authorities. The FBI's apparently lax attitude and in some cases grave misuse of these potentially very intrusive authorities is attributable in no small part to the USA PATRIOT Act. That flawed legislation greatly expanded the NSL authorities, essentially granting the FBI a blank check to obtain some very sensitive records about Americans, including people not under any suspicion of wrong-doing, without judicial approval. Congress gave the FBI very few rules to follow and failed to adequately remedy those shortcomings when it considered the NSL statutes as part of the Patriot Act reauthorization process.

This Inspector General report proves that ''trust us'' doesn't cut it when it comes to the Government's power to obtain Americans' sensitive business records—without a court order and without any suspicion that they are tied to terrorism or espionage. It was a significant mistake for Congress to grant the Government broad authorities and just keep its fingers crossed that they wouldn't be misused.

Congress has the responsibility to put appropriate limits on government authorities—limits that allow agents to actively pursue criminals, terrorists and spies, but that also protect the privacy of innocent Americans.

In addition, a Federal district court recently struck down one of the new NSL statutes, as modified by the Patriot Act reauthorization legislation enacted in 2006. The court found that a statutory provision permitting the FBI to impose a permanent, blanket nondisclosure order on recipients of NSLs violated the First Amendment.

Congress also has not provided sufficient privacy protections to govern the related authority in Section 215 of the Patriot Act, which permits the Government to obtain court orders for Americans' business records under the Foreign Intelligence Surveillance Act. Often referred to as the ''library'' provision, although it covers all types of business records, Section 215 was one of

the most controversial provisions in the Patriot Act. Unfortunately, Congress did not go nearly far enough in the reauthorization process in addressing the very legitimate privacy and civil liberties concerns that have been raised about this power, including with respect to the low standard the Government has to meet to obtain a Section 215 order, the entirely insufficient judicial review provisions, and the lack of other procedural protections.

All of this is why a bipartisan group of Senators, three Democrats and three Republicans, are introducing the National Security Letter Reform Act of 2007.

The bill places new safeguards on the use of National Security Letters and related Patriot Act authorities to protect against abuse. It restricts the types of records that can be obtained without a court order to those that are the least sensitive and private, and it ensures that the FBI can only use NSLs to obtain information about individuals with some nexus to a suspected terrorist or spy. It makes sure that the FBI can no longer obtain the sensitive records of individuals three or four times removed from a suspect, most of whom would be entirely innocent.

It prevents the use of so-called ''exigent letters,'' which the IG found the FBI was using in violation of the NSL statutes. It requires additional congressional reporting on NSLs, and it requires the FBI to establish a compliance program and tracking database for NSLs. It requires the Attorney General to issue minimization and destruction procedures for information obtained through NSLs, so that information obtained about Americans is subject to enhanced protections and the FBI does not retain information obtained in error.

On Section 215, the legislation establishes a standard of individualized suspicion for obtaining a FISA business records order, requiring that the government have reason to believe the records sought relate to a suspected terrorist or spy or someone directly linked to a suspected terrorist or spy, and it creates procedural protections to prevent abuses. The bill also ensures robust, meaningful and constitutionally sound judicial review of both National Security Letters and Section 215 business records orders, and the gag orders that accompany them.

This legislation is a measured, reasonable response to a serious problem. The NSL authorities operate in secret. The Justice Department's classified reports to Congress on the use of NSLs were admittedly inaccurate. And when, during the reauthorization process, Congress asked questions about how these authorities were being used, we got empty assurances and platitudes that we now know were mistaken.

Oversight alone is not enough. Congress also must take corrective action. The Inspector General report has shown both that the executive branch cannot be trusted to exercise those powers without oversight and that current statutory safeguards are inadequate. This National Security Letter Reform Act is the answer.

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. 2088

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 ''National Security Letter Reform Act of 2007'' or the ''NSL Reform 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. National Security Letter authority for communications subscriber records.
Sec. 3. National Security Letter authority for certain financial records.
Sec. 4. National Security Letter authority for certain consumer report records.
Sec. 5. Judicial review of National Security Letters.
Sec. 6. National Security Letter compliance program and tracking database.
Sec. 7. Public reporting on National Security Letters.
Sec. 8. Sunset of expanded National Security Letter authorities.
Sec. 9. Privacy protections for section 215 business records orders.
Sec. 10. Judicial review of section 215 orders.
Sec. 11. Resources for FISA applications.
Sec. 12. Enhanced protections for emergency disclosures.
Sec. 13. Clarification regarding data retention.
Sec. 14. Least intrusive means.

SEC. 2. NATIONAL SECURITY LETTER AUTHORITY FOR COMMUNICATIONS SUBSCRIBER RECORDS.

Section 2709 of title 18, United States Code, is amended to read as follows:

''§ 2709. National Security Letter for communications subscriber records

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge of a Bureau field office, may issue in writing and cause to be served on a wire or electronic communications service provider a National Security Letter requiring the production of the following:

''(A) The name of the customer or subscriber.

''(B) The address of the customer or subscriber.

''(C) The length of the provision of service by such provider to the customer or subscriber (including start date) and the types of service utilized by the customer or subscriber.

''(D) The telephone number or instrument number, or other subscriber number or identifier, of the customer or subscriber, including any temporarily assigned network address.

''(E) The means and sources of payment for such service (including any credit card or bank account number).

''(F) Information about any service or merchandise orders, including any shipping information and vendor locations.

''(G) The name and contact information, if available, of any other wire or electronic communications service providers facilitating the communications of the customer or subscriber.

''(2) LIMITATION.—A National Security Letter issued pursuant to this section shall not require the production of local or long distance telephone records or electronic communications transactional information not listed in paragraph (1).

''(b) REQUIREMENTS.—

''(1) IN GENERAL.—A National Security Letter shall be issued under subsection (a) only where—

''(A) the records sought are relevant to an ongoing, authorized and specifically identified national security investigation (other than a threat assessment); and

''(B) there are specific and articulable facts providing reason to believe that the records—

''(i) pertain to a suspected agent of a foreign power; or

''(ii) pertain to an individual who has been in contact with, or otherwise directly linked to, a suspected agent of a foreign power who is the subject of an ongoing, authorized and specifically identified national security investigation (other than a threat assessment); or

''(iii) pertain to the activities of a suspected agent of a foreign power, where those activities are the subject of an ongoing, authorized and specifically identified national security investigation (other than a threat assessment), and obtaining the records is the least intrusive means that could be used to identify persons believed to be involved in such activities.

''(2) INVESTIGATION.—For purposes of this section, an ongoing, authorized, and specifically identified national security investigation—

''(A) shall be conducted under guidelines approved by the Attorney General and Executive Order 12333 (or successor order); and

''(B) shall not be conducted with respect to a United States person upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(3) CONTENTS.—A National Security Letter issued under subsection (a) shall—

''(A) describe the records to be produced with sufficient particularity to permit them to be fairly identified;

''(B) include the date on which the records must be provided, which shall allow a reasonable period of time within which the records can be assembled and made available;

''(C) provide clear and conspicuous notice of the principles and procedures set forth in this section, including notification of any nondisclosure requirement under subsection (c) and a statement laying out the rights and responsibilities of the recipient; and

''(D) not contain any requirement that would be held to be unreasonable if contained in a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation or require the production of any documentary evidence that would be privileged from disclosure if demanded by a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation.

''(4) RETENTION OF RECORDS.—The Director of the Federal Bureau of Investigation shall direct that a signed copy of each National Security Letter issued under this section be retained in the database required to be established by section 6 of the National Security Letter Reform Act of 2007.

''(c) PROHIBITION OF CERTAIN DISCLOSURE.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—If a certification is issued pursuant to subparagraph (B), no wire

or electronic communication service provider, or officer, employee, or agent thereof, who receives a National Security Letter under this section, shall disclose to any person the particular information specified in such certification for 30 days after receipt of such National Security Letter.

''(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in charge of a Bureau field office, certifies that—

''(i) there is reason to believe that disclosure of particular information about the existence or contents of a National Security Letter issued under this section will result in—

''(I) endangering the life or physical safety of any person;

''(II) flight from prosecution;

''(III) destruction of or tampering with evidence;

''(IV) intimidation of potential witnesses;

''(V) interference with diplomatic relations; or

''(VI) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

''(ii) the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.

''(C) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the 30-day period specified in subparagraph (A), an appropriate official of the Federal Bureau of Investigation shall promptly notify the wire or electronic service provider, or officer, employee, or agent thereof, subject to the nondisclosure requirement that such nondisclosure requirement is no longer in effect.

''(2) EXCEPTION.—

''(A) IN GENERAL.—A wire or electronic communication service provider, or officer, employee, or agent thereof, who receives a National Security Letter under this section may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with a National Security Letter under this section;

''(ii) an attorney in order to obtain legal advice or assistance regarding such National Security Letter; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) NONDISCLOSURE REQUIREMENT.—A person to whom disclosure is made pursuant to subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a National Security Letter is directed under this section in the same manner as such person.

''(C) NOTICE.—Any recipient who discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform such person of the applicable nondisclosure requirement.

''(3) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, may apply for an order prohibiting disclosure of particular information about the existence or contents of a National Security Letter issued under this section for an additional 180 days.

''(4) JURISDICTION.—An application for an order pursuant to this subsection shall be filed in the district court of the United States in any district within which the authorized investigation that is the basis for a request pursuant to this section is being conducted.

''(5) APPLICATION CONTENTS.—An application for an order pursuant to this subsection shall include—

''(A) a statement of specific and articulable facts giving the applicant reason to believe that disclosure of particular information about the existence or contents of a National Security Letter issued under this section will result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations; or

''(vi) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

''(B) an explanation of how the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.

''(6) STANDARD.—The court may issue an ex parte order pursuant to this subsection if the court determines—

''(A) there is reason to believe that disclosure of particular information about the existence or contents of a National Security Letter issued under this section will result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations; or

''(vi) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

''(B) the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.

''(7) RENEWAL.—An order under this subsection may be renewed for additional periods of up to 180 days upon another application meeting the requirements of paragraph (5) and a determination by the court that the circumstances described in paragraph (6) continue to exist.

''(8) TERMINATION.—If the facts supporting a nondisclosure requirement cease to exist prior to the expiration of the time period imposed by a court for that nondisclosure requirement, an appropriate official of the Federal Bureau of Investigation shall promptly notify the court, and the court shall terminate such nondisclosure requirement.

''(d) MINIMIZATION AND DESTRUCTION.—

''(1) IN GENERAL.—Not later than 180 days after the enactment of this section, the Attorney General shall establish minimization and destruction procedures governing the retention and dissemination by the Federal Bureau of Investigation of any records received by the Federal Bureau of Investigation in response to a National Security Letter under this section.

''(2) DEFINITION.—In this section, the term 'minimization and destruction procedures' means—

''(A) specific procedures that are reasonably designed in light of the purpose and technique of a National Security Letter, to minimize the retention, and prohibit the dissemination, of nonpublicly available information concerning unconsenting United States persons consistent with the need of the United States to obtain, produce, and disseminate foreign intelligence information, including procedures to ensure that information obtained pursuant to a National Security Letter regarding persons no longer of interest in an authorized investigation, or information obtained pursuant to a National Security Letter that does not meet the requirements of this section or is outside the scope of such National Security Letter, is returned or destroyed;

''(B) procedures that require that nonpublicly available information, which is not foreign intelligence information, as defined in section 101(e)(1) of the Foreign Intelligence Surveillance Act of 1978, shall not be disseminated in a manner that identifies any United States person, without such person's consent, unless such person's identity is necessary to understand foreign intelligence information or assess its importance; and

''(C) notwithstanding subparagraphs (A) and (B), procedures that allow for the retention and dissemination of information that is evidence of a crime which has been, is being, or is about to be committed and that is to be retained or disseminated for law enforcement purposes.

''(e) REQUIREMENT THAT CERTAIN CONGRESSIONAL BODIES BE INFORMED.—

''(1) IN GENERAL.—On a semiannual basis the Director of the Federal Bureau of Investigation shall fully inform the Permanent Select Committee on Intelligence of the Senate and the Select Committee on Intelligence of the House of Representatives, and the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, concerning all requests made under this section.

''(2) CONTENTS.—The report required by paragraph (1) shall include—

''(A) a description of the minimization and destruction procedures adopted by the Attorney General pursuant to subsection (d), including any changes to such minimization procedures previously adopted by the Attorney General;

''(B) a summary of the court challenges brought pursuant to section 3511 of title 18, United States Code, by recipients of National Security Letters;

''(C) a description of the extent to which information obtained with National Security Letters under this section has aided intelligence investigations and an explanation of how such information has aided such investigations; and

''(D) a description of the extent to which information obtained with National Security Letters under this section has aided criminal prosecutions and an explanation of how such information has aided such prosecutions.

''(f) USE OF INFORMATION.—

''(1) IN GENERAL.—

''(A) CONSENT.—Any information acquired from a National Security Letter pursuant to this section concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization and destruction procedures required by this section.

''(B) LAWFUL PURPOSE.—No information acquired from a National Security Letter pursuant to this section may be used or disclosed by Federal officers or employees except for lawful purposes.

''(2) DISCLOSURE FOR LAW ENFORCEMENT PURPOSES.—No information acquired pursuant to this section shall be disclosed for law enforcement purposes unless such disclosure

is accompanied by a statement that such information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

''(3) NOTIFICATION OF INTENDED DISCLOSURE BY THE UNITED STATES.—Whenever the United States intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States against an aggrieved person any information obtained or derived from a National Security Letter pursuant to this section, the United States shall, before the trial, hearing, or other proceeding or at a reasonable time before an effort to so disclose or so use this information or submit it in evidence, notify the aggrieved person and the court or other authority in which the information is to be disclosed or used that the United States intends to so disclose or so use such information.

''(4) NOTIFICATION OF INTENDED DISCLOSURE BY STATE OR POLITICAL SUBDIVISION.—Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the State or political subdivision thereof against an aggrieved person any information obtained or derived from a National Security Letter pursuant to this section, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such information.

''(5) MOTION TO SUPPRESS.—

''(A) IN GENERAL.—Any aggrieved person against whom evidence obtained or derived from a National Security Letter pursuant to this section is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, or a State or political subdivision thereof, may move to suppress the evidence obtained or derived from the National Security Letter, as the case may be, on the grounds that—

''(i) the information was acquired in violation of the Constitution or laws of the United States; or

''(ii) the National Security Letter was not issued in conformity with the requirements of this section.

''(B) TIMING.—A motion under subparagraph (A) shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the aggrieved person concerned was not aware of the grounds of the motion.

''(6) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Whenever—

''(i) a court or other authority is notified pursuant to paragraph (3) or (4);

''(ii) a motion is made pursuant to paragraph (5); or

''(iii) any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to—

''(I) discover or obtain materials relating to a National Security Letter issued pursuant to this section; or

''(II) discover, obtain, or suppress evidence or information obtained or derived from a National Security Letter issued pursuant to this section;

the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority shall, notwithstanding any other provision of law and if the Attorney General files an affidavit under oath that disclosure would harm the national security of the United States, review in camera the materials as may be necessary to determine whether the request was lawful.

''(B) DISCLOSURE.—In making a determination under subparagraph (A), unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose to the aggrieved person, the counsel of the aggrieved person, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other applicable law, portions of the application, order, or other related materials, or evidence or information obtained or derived from the order.

''(7) EFFECT OF DETERMINATION OF LAWFULNESS.—

''(A) UNLAWFUL ORDERS.—If the United States district court determines pursuant to paragraph (6) that the National Security Letter was not in compliance with the Constitution or laws of the United States, the court may, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from the National Security Letter or otherwise grant the motion of the aggrieved person.

''(B) LAWFUL ORDERS.—If the court determines that the National Security Letter was lawful, it may deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

''(8) BINDING FINAL ORDERS.—Orders granting motions or requests under paragraph (6), decisions under this section that a National Security Letter was not lawful, and orders of the United States district court requiring review or granting disclosure of applications, orders, or other related materials shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals or the Supreme Court.

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'agent of a foreign power' has the meaning given such term by section 101(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b));

''(2) the term 'aggrieved person' means a person whose information or records were sought or obtained under this section; and

''(3) the term 'foreign power' has the meaning given such term by section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)).''.

SEC. 3. NATIONAL SECURITY LETTER AUTHORITY FOR CERTAIN FINANCIAL RECORDS.

Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended to read as follows:

''SEC. 1114. NATIONAL SECURITY LETTER FOR CERTAIN FINANCIAL RECORDS.

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge of a Bureau field office, may issue in writing and cause to be served on a financial institution, a National Security Letter requiring the production of—

''(A) the name of the customer or entity with whom the financial institution has a financial relationship;

''(B) the address of the customer or entity with whom the financial institution has a financial relationship;

''(C) the length of time during which the customer or entity has had an account or other financial relationship with the financial institution (including the start date) and the type of account or other financial relationship; and

''(D) any account number or other unique identifier associated with the financial relationship of the customer or entity to the financial institution.

''(2) LIMITATION.—A National Security Letter issued pursuant to this section may require the production only of records identified in subparagraphs (A) through (D) of paragraph (1).

''(b) NATIONAL SECURITY LETTER REQUIREMENTS.—

''(1) IN GENERAL.—A National Security Letter issued under this section shall be subject to the requirements of subsections (b) through (g) of section 2709 of title 18, United States Code, in the same manner and to the same extent as those provisions apply with respect to wire and electronic communication service providers.

''(2) REPORTING.—For purposes of this section, the reporting requirement in section 2709(e) of title 18, United States Code, shall also require informing the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

''(c) DEFINITION OF 'FINANCIAL INSTITUTION'.—For purposes of this section, section 1115, and section 1117, insofar as they relate to the operation of this section, the term 'financial institution' has the same meaning as in subsections (a)(2) and (c)(1) of section 5312 of title 31, except that, for purposes of this section, such term shall include only such a financial institution any part of which is located inside any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the United States Virgin Islands.''.

SEC. 4. NATIONAL SECURITY LETTER AUTHORITY FOR CERTAIN CONSUMER REPORT RECORDS.

Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) by striking the section heading and inserting the following:

''§ 626. National Security Letters for certain consumer report records'';

(2) by striking subsections (a) through (d) and inserting the following:

''(a) AUTHORIZATION.—

''(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or Special Agent in Charge of a Bureau field office, may issue in writing and cause to be served on a consumer reporting agency a National Security Letter requiring the production of—

''(A) the name of a consumer;

''(B) the current and former address of a consumer;

''(C) the current and former places of employment of a consumer; and

''(D) the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that such information is in the files of the consumer reporting agency.

''(2) LIMITATION.—A National Security Letter issued pursuant to this section may not require the production of a consumer report.

''(b) NATIONAL SECURITY LETTER REQUIREMENTS.—

''(1) IN GENERAL.—A National Security Letter issued under this section shall be subject to the requirements of subsections (b) through (g) of section 2709 of title 18, United States Code, in the same manner and to the

same extent as those provisions apply with respect to wire and electronic communication service providers.

''(2) REPORTING.—For purposes of this section, the reporting requirement in section 2709(e) of title 18, United States Code, shall also require informing the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.'';

(3) by striking subsections (f) through (h); and

(4) by redesignating subsections (e) and (i) through (m) as subsections (c) through (h), respectively.

SEC. 5. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

(a) REVIEW OF NONDISCLOSURE ORDERS.—Section 3511(b) of title 18, United States Code, is amended to read as follows:

''(b) NONDISCLOSURE.—

''(1) IN GENERAL.—The recipient of a request for records or other information under section 2709 of this title, section 626 of the Fair Credit Reporting Act, section 1114 of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, may petition any court described in subsection (a) to modify or set aside a nondisclosure requirement imposed in connection with such a request. Such petition shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of the nondisclosure requirement to comply with the provisions of section 2709 of this title, section 626 of the Fair Credit Reporting Act, section 1114 of the Right to Financial Privacy Act, or section 802(a) of the National Security Act of 1947, or upon any constitutional or other legal right or privilege of such person.

''(2) STANDARD.—The court shall modify or set aside the nondisclosure requirement unless the court determines that—

''(A) there is a reason to believe that disclosure of the information subject to the nondisclosure requirement will result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations; or

''(vi) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

''(B) the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.''.

(b) DISCLOSURE.—Section 3511(d) of title 18, United States Code, is amended to read as follows:

''(d) DISCLOSURE.—In making determinations under this section, unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose to the petitioner, the counsel of the petitioner, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other applicable law, portions of the application, National Security Letter, or other related materials.''.

(c) CONFORMING AMENDMENTS.—Section 3511 of title 18, United States Code, is amended—

(1) in subsection (a), by—

(A) inserting after ''(a)'' the following ''REQUEST.—'';

(B) striking ''2709(b)'' and inserting ''2709'';

(C) striking ''626(a) or (b) or 627(a)'' and inserting ''626''; and

(D) striking ''1114(a)(5)(A)'' and inserting ''1114''; and

(2) in subsection (c), by—

(A) inserting after ''(c)'' the following ''FAILURE TO COMPLY.—'';

(B) by striking ''2709(b)'' and inserting ''2709'';

(C) by striking ''626(a) or (b) or 627(a)'' and inserting ''626''; and

(D) by striking ''1114(a)(5)(A)'' and inserting ''1114''. .

(d) REPEAL.—Section 3511(e) of title 18, United States Code, is repealed.

SEC. 6. NATIONAL SECURITY LETTER COMPLIANCE PROGRAM AND TRACKING DATABASE.

(a) COMPLIANCE PROGRAM.—The Director of the Federal Bureau of Investigation shall establish a program to ensure compliance with the amendments made by sections 2, 3, and 4 of this Act.

(b) TRACKING DATABASE.—The compliance program required by subsection (a) shall include the establishment of a database, the purpose of which shall be to track all National Security Letters issued by the Federal Bureau of Investigation under section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u), and section 2709 of title 18, United States Code.

(c) INFORMATION.—The database required by this section shall include—

(1) a signed copy of each National Security Letter;

(2) the date the National Security Letter was issued and for what type of information;

(3) whether the National Security Letter seeks information regarding a United States person or non-United States person;

(4) the ongoing, authorized, and specifically identified national security investigation (other than a threat assessment) to which the National Security Letter relates;

(5) whether the National Security Letter seeks information regarding an individual who is the subject of such investigation;

(6) when the information requested was received and, if applicable, when it was destroyed; and

(7) whether the information gathered was disclosed for law enforcement purposes.

SEC. 7. PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.

Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177) is amended—

(1) in paragraph (1)—

(A) by striking ''concerning different United States persons''; and

(B) in subparagraph (A), by striking '', excluding the number of requests for subscriber information'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

''(2) CONTENT.—The report required by this subsection shall include the total number of requests described in paragraph (1) requiring disclosure of information concerning—

''(A) United States persons;

''(B) non-United States persons;

''(C) persons who are the subjects of authorized national security investigations; and

''(D) persons who are not the subjects of authorized national security investigations.''.

SEC. 8. SUNSET OF EXPANDED NATIONAL SECURITY LETTER AUTHORITIES.

Subsection 102(b) of Public Law 109–177 is amended to read as follows:

''(b) SECTIONS 206, 215, 358(G), 505 SUNSET.—

''(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended to read as they read on October 25, 2001—

''(A) sections 501, 502, and 105(c)(2) of the Foreign Intelligence Surveillance Act of 1978;

''(B) section 2709 of title 18, United States Code;

''(C) sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u, 1681v); and

''(D) section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

''(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.''.

SEC. 9. PRIVACY PROTECTIONS FOR SECTION 215 BUSINESS RECORDS ORDERS.

(a) IN GENERAL.—Section 501(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended—

(1) in paragraph (1)(B), by striking ''and'' after the semicolon;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking '', such things being presumptively'' through the end of the subparagraph and inserting a semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C) and striking the period at the end and inserting ''; and''; and

(C) by inserting after subparagraph (A) the following:

''(B) a statement of specific and articulable facts providing reason to believe that the tangible things sought—

''(i) pertain to a suspected agent of a foreign power; or

''(ii) pertain to an individual who has been in contact with, or otherwise directly linked to, a suspected agent of a foreign power if the circumstances of that contact or link suggest that the records sought will be relevant to an ongoing, authorized and specifically identified national security investigation (other than a threat assessment) of that suspected agent of a foreign power; and''; and

(3) by inserting at the end the following:

''(3) if the applicant is seeking a nondisclosure requirement described in subsection (d), shall include—

''(A) a statement of specific and articulable facts providing reason to believe that disclosure of particular information about the existence or contents of the order requiring the production of tangible things under this section will result in—

''(i) endangering the life or physical safety of any person;

''(ii) flight from prosecution;

''(iii) destruction of or tampering with evidence;

''(iv) intimidation of potential witnesses;

''(v) interference with diplomatic relations; or

''(vi) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

''(B) an explanation of how the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.''.

(b) ORDER.—Section 501(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (1), by—

(A) striking ''subsections (a) and (b)'' and inserting ''subsection (a) and paragraphs (1) and (2) of subsection (b)''; and

(B) inserting at the end the following: ''If the judge finds that the requirements of subsection (b)(3) have been met, such order shall include a nondisclosure requirement subject

to the principles and procedures described in subsection (d)''; and

(2) in paragraph (2)(C), by inserting before the semicolon '', if applicable''.

(c) NONDISCLOSURE.—Section 501(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(d)) is amended to read as follows:

''(d) NONDISCLOSURE.—

''(1) IN GENERAL.—No person who receives an order under subsection (c) that contains a nondisclosure requirement shall disclose to any person the particular information specified in such nondisclosure requirement for 180 days after receipt of such order.

''(2) EXCEPTION.—

''(A) DISCLOSURE.—A person who receives an order under subsection (c) that contains a nondisclosure requirement may disclose information otherwise subject to any applicable nondisclosure requirement to—

''(i) those persons to whom disclosure is necessary in order to comply with an order under this section;

''(ii) an attorney in order to obtain legal advice or assistance regarding such order; or

''(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

''(B) APPLICATION.—A person to whom disclosure is made pursuant to subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom an order is directed under this section in the same manner as such person.

''(C) NOTIFICATION.—Any person who discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall notify such person of the applicable nondisclosure requirement.

''(3) EXTENSION.—The Director of the Federal Bureau of Investigation, or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge), may apply for renewals for the prohibition on disclosure of particular information about the existence or contents of an order requiring the production of tangible things under this section for additional periods of up to 180 days each. Such nondisclosure requirement shall be renewed if a court having jurisdiction pursuant to paragraph (4) determines that the application meets the requirements of subsection (b)(3).

''(4) JURISDICTION.—An application for a renewal pursuant to this subsection shall be made to—

''(A) a judge of the court established under section 103(a); or

''(B) a United States Magistrate Judge under chapter 43 of title 28, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of the court established under section 103(a).''.

(d) USE OF INFORMATION.—Section 501(h) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended to read as follows:

''(h) USE OF INFORMATION.—

''(1) IN GENERAL.—

''(A) CONSENT.—Any tangible things or information acquired from an order pursuant to this section concerning any United States person may be used and disclosed by Federal officers and employees without the consent of the United States person only in accordance with the minimization procedures required by this section.

''(B) USE AND DISCLOSURE.—No tangible things or information acquired from an order pursuant to this section may be used or disclosed by Federal officers or employees except for lawful purposes.

''(2) DISCLOSURE FOR LAW ENFORCEMENT PURPOSES.—No tangible things or information acquired pursuant to this section shall be disclosed for law enforcement purposes unless such disclosure is accompanied by a statement that such tangible things or information, or any information derived therefrom, may only be used in a criminal proceeding with the advance authorization of the Attorney General.

''(3) NOTIFICATION OF INTENDED DISCLOSURE BY THE UNITED STATES.—Whenever the United States intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States against an aggrieved person any tangible things or information obtained or derived from an order pursuant to this section, the United States shall, before the trial, hearing, or other proceeding or at a reasonable time before an effort to so disclose or so use the tangible things or information or submit them in evidence, notify the aggrieved person and the court or other authority in which the tangible things or information are to be disclosed or used that the United States intends to so disclose or so use such tangible things or information.

''(4) NOTIFICATION OF INTENDED DISCLOSURE BY STATE OR POLITICAL SUBDIVISION.—Whenever any State or political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the State or political subdivision thereof against an aggrieved person any tangible things or information obtained or derived from an order pursuant to this section, the State or political subdivision thereof shall notify the aggrieved person, the court or other authority in which the tangible things or information are to be disclosed or used, and the Attorney General that the State or political subdivision thereof intends to so disclose or so use such tangible things or information.

''(5) MOTION TO SUPPRESS.—

''(A) IN GENERAL.—Any aggrieved person against whom evidence obtained or derived from an order pursuant to this section is to be, or has been, introduced or otherwise used or disclosed in any trial, hearing, or other proceeding in or before any court, department, officer, agency, regulatory body, or other authority of the United States, or a State or political subdivision thereof, may move to suppress the evidence obtained or derived from the order, as the case may be, on the grounds that—

''(i) the tangible things or information were acquired in violation of the Constitution or laws of the United States; or

''(ii) the order was not issued in conformity with the requirements of this section.

''(B) TIMING.—A motion under subparagraph (A) shall be made before the trial, hearing, or other proceeding unless there was no opportunity to make such a motion or the aggrieved person concerned was not aware of the grounds of the motion.

''(6) JUDICIAL REVIEW.—

''(A) IN GENERAL.—Whenever—

''(i) a court or other authority is notified pursuant to paragraph (3) or (4);

''(ii) a motion is made pursuant to paragraph (5); or

''(iii) any motion or request is made by an aggrieved person pursuant to any other statute or rule of the United States or any State before any court or other authority of the United States or any State to—

''(I) discover or obtain applications, orders, or other materials relating to an order issued pursuant to this section; or

''(II) discover, obtain, or suppress evidence or information obtained or derived from an order issued pursuant to this section;

the United States district court or, where the motion is made before another authority, the United States district court in the same district as the authority shall, notwithstanding any other provision of law and if the Attorney General files an affidavit under oath that disclosure would harm the national security of the United States, review in camera the application, order, and such other related materials as may be necessary to determine whether the order was lawfully authorized and served.

''(B) DISCLOSURE.—In making a determination under subparagraph (A), unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose to the aggrieved person, the counsel of the aggrieved person, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other applicable law, portions of the application, order, or other related materials, or evidence or information obtained or derived from the order.

''(7) EFFECT OF DETERMINATION OF LAWFULNESS.—

''(A) UNLAWFUL ORDERS.—If the United States district court determines pursuant to paragraph (6) that the order was not authorized or served in compliance with the Constitution or laws of the United States, the court may, in accordance with the requirements of law, suppress the evidence which was unlawfully obtained or derived from the order or otherwise grant the motion of the aggrieved person.

''(B) LAWFUL ORDERS.—If the court determines that the order was lawfully authorized and served, it may deny the motion of the aggrieved person except to the extent that due process requires discovery or disclosure.

''(8) BINDING FINAL ORDERS.—Orders granting motions or requests under paragraph (6), decisions under this section that an order was not lawfully authorized or served, and orders of the United States district court requiring review or granting disclosure of applications, orders, or other related materials shall be final orders and binding upon all courts of the United States and the several States except a United States court of appeals or the Supreme Court.''.

(e) DEFINITION.—Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by adding at the end the following:

''SEC. 503. DEFINITIONS.

''In this title, the following definitions apply:

''(1) IN GENERAL.—Except as provided in this section, terms used in this title that are also used in title I shall have the meanings given such terms by section 101.

''(2) AGGRIEVED PERSON.—The term 'aggrieved person' means any person whose tangible things or information were acquired pursuant to an order under this title.''.

SEC. 10. JUDICIAL REVIEW OF SECTION 215 ORDERS.

Section 501(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended to read as follows:

''(f) JUDICIAL REVIEW.—

''(1) ORDER FOR PRODUCTION.—Not later than 20 days after the service upon any person of an order pursuant to subsection (c), or at any time before the return date specified in the order, whichever period is shorter, such person may file, in the court established under section 103(a) or in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, a petition for

such court to modify or set aside such order. The time allowed for compliance with the order in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of such order to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

''(2) NONDISCLOSURE ORDER.—

''(A) IN GENERAL.—A person prohibited from disclosing information under subsection (d) may file, in the courts established by section 103(a) or in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, a petition for such court to set aside the nondisclosure requirement. Such petition shall specify each ground upon which the petitioner relies in seeking relief, and may be based upon any failure of the nondisclosure requirement to comply with the provisions of this section or upon any constitutional or other legal right or privilege of such person.

''(B) STANDARD.—The court shall modify or set aside the nondisclosure requirement unless the court determines that—

''(i) there is reason to believe that disclosure of the information subject to the nondisclosure requirement will result in—

''(I) endangering the life or physical safety of any person;

''(II) flight from prosecution;

''(III) destruction of or tampering with evidence;

''(IV) intimidation of potential witnesses;

''(V) interference with diplomatic relations; or

''(VI) otherwise seriously endangering the national security of the United States by alerting a target, a target's associates, or the foreign power of which the target is an agent, of the Government's interest in the target; and

''(ii) the nondisclosure requirement is narrowly tailored to address the specific harm identified by the Government.

''(3) RULEMAKING.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of the National Security Letter Reform Act of 2007, the courts established pursuant to section 103(a) shall establish such rules and procedures and take such actions as are reasonably necessary to administer their responsibilities under this subsection.

''(B) REPORTING.—Not later than 30 days after promulgating rules and procedures under subparagraph (A), the courts established pursuant to section 103(a) shall transmit a copy of the rules and procedures, unclassified to the greatest extent possible (with a classified annex, if necessary), to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

''(4) DISCLOSURES TO PETITIONERS.—In making determinations under this subsection, unless the court finds that such disclosure would not assist in determining any legal or factual issue pertinent to the case, the court shall disclose to the petitioner, the counsel of the petitioner, or both, under the procedures and standards provided in the Classified Information Procedures Act (18 U.S.C. App.) or other applicable law, portions of the application, order, or other related materials.''.

SEC. 11. RESOURCES FOR FISA APPLICATIONS.

(a) ELECTRONIC FILING.—

(1) IN GENERAL.—The Department of Justice shall establish a secure electronic system for the submission of documents and other information to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) relating to applications for orders under chapter 36 of title 50, authorizing electronic surveillance, physical searches, the use of pen register and trap and trace devices, and the production of tangible things.

(2) FUNDING SOURCE.—Section 1103(4) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) in subparagraph (D), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(E) $5,000,000 for the implementation of the secure electronic filing system established by Section 11(a)(1) of the National Security Letter Reform Act.''.

(b) PERSONNEL AND INFORMATION TECHNOLOGY NEEDS.—

(1) OFFICE OF INTELLIGENCE POLICY AND REVIEW.—

(A) IN GENERAL.—The Office of Intelligence Policy and Review of the Department of Justice may hire personnel and procure information technology, as needed, to ensure the timely and efficient processing of applications to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803).

(B) FUNDING SOURCE.—

(i) Section 1103(4) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended—

(I) in subparagraph (D), by striking ''and'' after the semicolon;

(II) in subparagraph (E), by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(F) not to exceed $3,000,000 for the personnel and information technology as specified in Section 11(b)(1)(A) of the National Security Letter Reform Act.''.

(ii) Section 1104(4) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended—

(I) in subparagraph (C), by striking ''and'' after the semicolon;

(II) in subparagraph (D), by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(E) not to exceed $3,000,000 for the personnel and information technology as specified in Section 11(b)(1)(A) of the National Security Letter Reform Act.''.

(2) FBI.—

(A) IN GENERAL.—The Federal Bureau of Investigation may hire personnel and procure information technology, as needed, to ensure the timely and efficient processing of applications to the Foreign Intelligence Surveillance Court.

(B) FUNDING SOURCE.—

(i) Section 1103(7) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by inserting before the period the following: '', and which shall include not to exceed $3,000,000 for the personnel and information technology as specified in Section 11(b)(2)(A) of the National Security Letter Reform Act''.

(ii) Section 1104(7) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by inserting before the period the following: '', and which shall include not to exceed $3,000,000 for the personnel and information technology as specified in Section 11(b)(2)(A) of the National Security Letter Reform Act''.

SEC. 12. ENHANCED PROTECTIONS FOR EMERGENCY DISCLOSURES.

(a) STORED COMMUNICATIONS ACT.—Section 2702 of title 18, United States Code is amended—

(1) in subsection (b)(8), by—

(A) striking '', in good faith,'' and inserting ''reasonably'';

(B) inserting ''immediate'' after ''involving''; and

(C) adding before the period: '', subject to the limitations of subsection (d) of this section;'';

(2) in subsection (c)(4) by—

(A) striking ''. in good faith,'' and inserting ''reasonably'';

(B) inserting ''immediate'' after ''involving''; and

(C) adding before the period: '', subject to the limitations of subsection (d) of this section.'';

(3) redesignating subsection (d) as subsection (e) and adding after subsection (c) the following:

''(d) REQUIREMENT.—

''(1) REQUEST.—If a governmental entity requests that a provider divulge information pursuant to subsection (b)(8) or (c)(4), the request shall specify that the disclosure is on a voluntary basis and shall document the factual basis for believing that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.

''(2) NOTICE TO COURT.—Within 5 days of obtaining access to records under subsection (b)(8) or (c)(4), the governmental entity shall file with the appropriate court a signed, sworn statement of a supervisory official of a rank designated by the head of the governmental entity setting forth the grounds for the emergency access.''; and

(4) in subsection (e), as redesignated in paragraphs (1) and (2), by striking ''subsection (b)(8)'' and inserting ''subsections (b)(8) and (c)(4)''.

(b) RIGHT TO FINANCIAL PRIVACY ACT.—

(1) EMERGENCY DISCLOSURES.—The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) is amended by inserting after section 1120 the following:

''SEC. 1121. EMERGENCY DISCLOSURES.

''(a) IN GENERAL.—

''(1) STANDARD.—A financial institution (as defined in section 1114(c)) may divulge a record described in section 1114(a) pertaining to a customer to a Government authority, if the financial institution reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of information relating to the emergency.

''(2) NOTICE IN REQUEST.—If a Government authority requests that a financial institution divulge information pursuant to this section, the request shall specify that the disclosure is on a voluntary basis, and shall document the factual basis for believing that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.

''(b) CERTIFICATE.—In the instances specified in subsection (a), the Government shall submit to the financial institution the certificate required in section 1103(b), signed by a supervisory official of a rank designated by the head of the Government authority.

''(c) NOTICE TO COURT.—Within 5 days of obtaining access to financial records under this section, the Government authority shall file with the appropriate court a signed, sworn statement of a supervisory official of a rank designated by the head of the Government authority setting forth the grounds for the emergency access. The Government authority shall thereafter comply with the notice provisions of section 1109.

''(d) REPORTING OF EMERGENCY DISCLOSURES.—On an annual basis, the Attorney General of the United States shall submit to the Committee on the Judiciary and the

Committee on Financial Services of the House of Representatives and the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing—

''(1) the number of individuals for whom the Department of Justice has received voluntary disclosures under this section; and

''(2) a summary of the bases for disclosure in those instances where—

''(A) voluntary disclosures under this section were made to the Department of Justice; and

''(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.''.

(2) CONFORMING AMENDMENTS.—The Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) is amended—

(A) in section 1102 (12 U.S.C. 3402), by striking ''or 1114'' and inserting ''1114, or 1121''; and

(B) in section 1109(c) (12 U.S.C. 3409(c)), by striking ''1114(b)'' and inserting ''1121''.

(c) FAIR CREDIT REPORTING ACT.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended to read as follows:

''SEC. 627. EMERGENCY DISCLOSURES.

''(a) IN GENERAL.—

''(1) STANDARD.—A consumer reporting agency may divulge identifying information respecting any consumer, limited to the name, address, former addresses, places of employment, or former places of employment of the consumer, to a Government agency, if the consumer reporting agency reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of information relating to the emergency.

''(2) NOTICE IN REQUEST.—If a Government agency requests that a consumer reporting agency divulge information pursuant to this section, the request shall specify that the disclosure is on a voluntary basis, and shall document the factual basis for believing that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.

''(b) NOTICE TO COURT.—Within 5 days of obtaining access to identifying information under this section, the Government agency shall file with the appropriate court a signed, sworn statement of a supervisory official of a rank designated by the head of the Government agency setting forth the grounds for the emergency access.

''(c) REPORTING OF EMERGENCY DISCLOSURES.—On an annual basis, the Attorney General of the United States shall submit to the Committee on the Judiciary and the Committee on Financial Services of the House of Representatives and the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing—

''(1) the number of individuals for whom the Department of Justice has received voluntary disclosures under this section; and

''(2) a summary of the bases for disclosure in those instances where—

''(A) voluntary disclosures under this section were made to the Department of Justice; and

''(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.''.

SEC. 13. CLARIFICATION REGARDING DATA RETENTION.

Subsection 2703(f) of title 18, United States Code, is amended by adding at the end the following:

''(3) A provider of wire or electronic communications services or a remote computing service who has received a request under this subsection shall not disclose the records referred to in paragraph (1) until such provider has received a court order or other process.''.

SEC. 14. LEAST INTRUSIVE MEANS.

(a) GUIDELINES.—

(1) IN GENERAL.—The Attorney General shall issue guidelines (consistent with Executive Order 12333 or successor order) instructing that when choices are available between the use of information collection methods in national security investigations that are more or less intrusive, the least intrusive collection techniques feasible are to be used.

(2) SPECIFIC COLLECTION TECHNIQUES.—The guidelines required by this section shall provide guidance with regard to specific collection techniques, including the use of national security letters, considering such factors as—

(A) the effect on the privacy of individuals;

(B) the potential damage to reputation of individuals; and

(C) any special First Amendment concerns relating to a potential recipient of a National Security Letter or other legal process, including a direction that prior to issuing such National Security Letter or other legal process to a library or bookseller, investigative procedures aimed at obtaining the relevant information from entities other than a library or bookseller be utilized and have failed, or reasonably appear to be unlikely to succeed if tried or endanger lives if tried.

(b) DEFINITIONS.—In this section:

(1) BOOKSELLER.—The term ''bookseller'' means a person or entity engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication in print or digitally.

(2) LIBRARY.—The term ''library'' means a library (as that term is defined in section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2))) whose services include access to the Internet, books, journals, magazines, newspapers, or other similar forms of communication in print or digitally to patrons for their use, review, examination, or circulation.

By Mr. DURBIN (for himself, Mr. KENNEDY, Mr. FEINGOLD, and Mr. OBAMA):

S. 2092. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to support this Nations' workers, who deserve better treatment than they currently experience when their employers fail them.

We all remember what happened with Enron. Thousands of workers toiled over decades to slowly build up good, solid companies of which they could be proud. Then, in just a few short years, these companies were bought up by a conglomerate and run into the ground.

Enron went bankrupt and, just like that, the workers and retirees who spent their lives building something lost their jobs, their benefits, and most of their pensions. Our bankruptcy system helped facilitate that loss.

It is not just Enron. Workers and retirees are always near the back of the line when their companies go into bankruptcy. Some firms have gone into bankruptcy at least in part because companies can walk away forever from some of their obligations to their employees.

Today I am introducing the Protecting Employees and Retirees in Business Bankruptcies Act, along with Senators KENNEDY and FEINGOLD. I am pleased that Chairman CONYERS of the House Judiciary Committee will be introducing the House companion.

The Protecting Employees and Retirees in Business Bankruptcies Act will increase the value of worker claims in bankruptcy. The bill doubles the maximum value of wage claims for each worker to $20,000; allows a second claim of up to $20,000 for benefits earned; eliminates the requirement that employees earn wage and benefit claims within 180 days of the bankruptcy filing; creates a new priority claim for the loss in value of workers' pensions; and establishes a new priority administrative expense for workers' collective severance pay.

The bill also will reduce the loss of wages and benefits. It protects the value of collective bargaining agreements by limiting the situations in which they can be rejected and by tightening the criteria by which they can be amended. It also protects retiree benefits and ensures that bidders for assets of the bankrupt company that promise to honor back wages, vacation time, and other benefits are considered favorably.

Finally, the bill will increase the parity of worker and executive claims. For example, the bill prohibits deferred executive compensation in situations where employee compensation plans have been terminated in bankruptcy.

No longer will executives and insiders be able to pay themselves huge bonuses in the midst of slashing payroll and benefit costs.

No longer will consultants receive huge fees while retirees are losing most of their pensions.

No longer will companies be able to sell off all of the assets that make the company worthwhile, and yet refuse to use those proceeds to support the workers who have lost their livelihoods.

I am proud to introduce this legislation with Senators KENNEDY and FEINGOLD, and I thank the AFL–CIO and all of its workers for their wholehearted support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2092

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 ''Protecting Employees and Retirees in Business Bankruptcies Act of 2007''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Recent corporate restructurings have exacted a devastating toll on workers through deep cuts in wages and benefits, termination of defined benefit pension plans, and the transfer of productive assets to

lower wage economies outside the United States. Retirees have suffered deep cutbacks in benefits when companies in bankruptcy renege on their retiree health obligations and terminate pension plans.

(2) Congress enacted chapter 11 of title 11, United States Code, to protect jobs and enhance enterprise value for all stakeholders and not to be used as a strategic weapon to eliminate good paying jobs, strip employees and their families of a lifetime's worth of earned benefits and hinder their ability to participate in a prosperous and sustainable economy. Specific laws designed to treat workers and retirees fairly and keep companies operating are instead causing the burdens of bankruptcy to fall disproportionately and overwhelmingly on employees and retirees, those least able to absorb the losses.

(3) At the same time that working families and retirees are forced to make substantial economic sacrifices, executive pay enhancements continue to flourish in business bankruptcies, despite recent congressional enactments designed to curb lavish pay packages for those in charge of failing enterprises. Bankruptcy should not be a haven for the excesses of executive pay.

(4) Employees and retirees, unlike other creditors, have no way to diversify the risk of their employer's bankruptcy.

(5) Comprehensive reform is essential in order to remedy these fundamental inequities in the bankruptcy process and to recognize the unique firm-specific investment by employees and retirees in their employers' business through their labor.

SEC. 3. INCREASED WAGE PRIORITY.

Section 507(a) of title 11, United States Code, is amended—

(1) in paragraph (4)—

(A) by striking ''$10,000'' and inserting ''$20,000'';

(B) by striking ''within 180 days''; and

(C) by striking ''or the date of the cessation of the debtor's business, whichever occurs first,'';

(2) in paragraph (5)(A), by striking—

(A) ''within 180 days''; and

(B) ''or the date of the cessation of the debtor's business, whichever occurs first''; and

(3) in paragraph (5), by striking subparagraph (B) and inserting the following:

''(B) for each such plan, to the extent of the number of employees covered by each such plan, multiplied by $20,000.''.

SEC. 4. PRIORITY FOR STOCK VALUE LOSSES IN DEFINED CONTRIBUTION PLANS.

(a) Section 101(5) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by inserting ''or'' after the semicolon; and

(3) by adding at the end the following:

''(C) right or interest in equity securities of the debtor, or an affiliate of the debtor, held in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34)) for the benefit of an individual who is not an insider or 1 of the 10 most highly compensated employees of the debtor (if 1 or more are not insiders), if such securities were attributable to—

''(i) employer contributions by the debtor or an affiliate of the debtor, other than elective deferrals (within the meaning of section 402(g) of the Internal Revenue Code of 1986), and any earnings thereon; or

''(ii) elective deferrals and any earnings thereon.''.

(b) Section 507(a) of title 11, United States Code, is amended—

(1) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively;

(2) by inserting after paragraph (5) the following:

''(6) Sixth, loss of the value of equity securities of the debtor or affiliate of the debtor that are held in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34)), without regard to when services resulting in the contribution of stock to the plan were rendered, measured by the market value of the stock at the time of contribution to, or purchase by, the plan and the value as of the commencement of the case where an employer or plan sponsor that has commenced a case under this title has committed fraud with respect to such plan or has otherwise breached a duty to the participant that has proximately caused the loss of value.'';

(3) in paragraph (7), as redesignated, by striking ''Sixth'' and inserting ''Seventh'';

(4) in paragraph (8), as redesignated, by striking ''Seventh'' and inserting ''Eighth'';

(5) in paragraph (9), as redesignated, by striking ''Eighth'' and inserting ''Ninth'';

(6) in paragraph (10), as redesignated, by striking ''Ninth'' and inserting ''Tenth''; and

(7) in paragraph (11), as redesignated, by striking ''Tenth'' and inserting ''Eleventh''.

SEC. 5. PRIORITY FOR SEVERANCE PAY.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (8) by striking ''and'' at the end;

(2) in paragraph (9) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(10) severance pay owed to employees of the debtor (other than to an insider, other senior management, or a consultant retained to provide services to the debtor), under a plan, program, or policy generally applicable to employees of the debtor, or owed pursuant to a collective bargaining agreement, but not under an individual contract of employment, for termination or layoff on or after the date of the filing of the petition, which pay shall be deemed earned in full upon such layoff or termination of employment.''.

SEC. 6. EXECUTIVE COMPENSATION UPON EXIT FROM BANKRUPTCY.

Section 1129(a)(5) of title 11, United States Code, is amended—

(1) in subparagraph (A)(ii), by striking ''and'' at the end; and

(2) in subparagraph (B), by striking the period at the end and inserting the following: ''; and

''(C) the compensation disclosed pursuant to subparagraph (B) has been approved by, or is subject to the approval of, the court, as reasonable when compared to persons holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case.''.

SEC. 7. LIMITATIONS ON EXECUTIVE COMPENSATION ENHANCEMENTS.

Section 503(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting ''or for the payment of performance or incentive compensation, or a bonus of any kind, or other financial returns designed to replace or enhance incentive, stock, or other compensation in effect prior to the date of the commencement of the case,'' after ''remain with the debtor's business,''; and

(2) by amending paragraph (3) to read as follows:

''(3) other transfers or obligations, to or for the benefit of officers, of managers, or of consultants retained to provide services to the debtor, before or after the date of filing of the petition, in the absence of a finding by the court based upon evidence in the record, and without deference to the debtor's request for such payments, that such transfers or obligations are essential to the survival of the debtor's business or (in the case of a liquidation of some or all of the debtor's assets) essential to the orderly liquidation and maximization of value of the assets of the debtor, in either case, because of the essential nature of the services provided, and then only to the extent that the court finds such transfers or obligations are reasonable compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case.''.

SEC. 8. REJECTION OF COLLECTIVE BARGAINING AGREEMENTS.

Section 1113 of title 11, United States Code, is amended—

(1) by striking subsections (a) through (c) and inserting the following:

''(a) The debtor in possession, or the trustee if one has been appointed under this chapter, other than a trustee in a case covered by subchapter IV of this chapter and by title I of the Railway Labor Act, may reject a collective bargaining agreement only in accordance with the provisions of this section.

''(b)(1) Where a debtor in possession or trustee (hereinafter in this section referred to collectively as a 'trustee') seeks rejection of a collective bargaining agreement, a motion seeking rejection shall not be filed unless the trustee has first met with the authorized representative (at reasonable times and for a reasonable period in light of the complexity of the case) to confer in good faith in attempting to reach mutually acceptable modifications of such agreement. Proposals by the trustee to modify the agreement shall be limited to modifications to the agreement that—

''(A) are designed to achieve a total aggregate financial contribution for the affected labor group for a period not to exceed 2 years after the effective date of the plan;

''(B) shall be no more than the minimal savings necessary to permit the debtor to exit bankruptcy, such that confirmation of such plan is not likely to be followed by the liquidation of the debtor or any successor to the debtor; and

''(C) shall not overly burden the affected labor group, either in the amount of the savings sought from such group or the nature of the modifications, when compared to other constituent groups expected to maintain ongoing relationships with the debtor, including management personnel.

''(2) Proposals by the trustee under paragraph (1) shall be based upon the most complete and reliable information available. Information that is relevant for the negotiations shall be provided to the authorized representative.

''(c)(1) If, after a period of negotiations, the debtor and the authorized representative have not reached agreement over mutually satisfactory modifications and the parties are at an impasse, the debtor may file a motion seeking rejection of the collective bargaining agreement after notice and a hearing held pursuant to subsection (d). The court may grant a motion to reject a collective bargaining agreement only if the court finds that—

''(A) the debtor has, prior to such hearing, complied with the requirements of subsection (b) and has conferred in good faith with the authorized representative regarding such proposed modifications, and the parties were at an impasse;

''(B) the court has considered alternative proposals by the authorized representative and has determined that such proposals do not meet the requirements of subparagraphs (A) and (B) of subsection (b)(1);

''(C) further negotiations are not likely to produce a mutually satisfactory agreement; and

''(D) the court has considered—

''(i) the effect of the proposed financial relief on the affected labor group;

''(ii) the ability of the debtor to retain an experienced and qualified workforce; and

''(iii) the effect of a strike in the event of rejection of the collective bargaining agreement.

''(2) In reaching a decision under this subsection regarding whether modifications proposed by the debtor and the total aggregate savings meet the requirements of subsection (b), the court shall take into account—

''(A) the ongoing impact on the debtor of the debtor's relationship with all subsidiaries and affiliates, regardless of whether any such subsidiary or affiliate is domestic or nondomestic, or whether any such subsidiary or affiliate is a debtor entity; and

''(B) whether the authorized representative agreed to provide financial relief to the debtor within the 24-month period prior to the date of the commencement of the case, and if so, shall consider the total value of such relief in evaluating the debtor's proposed modifications.

''(3) In reaching a decision under this subsection, where a debtor has implemented a program of incentive pay, bonuses, or other financial returns for insiders or senior management personnel during the bankruptcy, or has implemented such a program within 180 days before the date of the commencement of the case, the court shall presume that the debtor has failed to satisfy the requirements of subsection (b)(1)(C).'';

(2) in subsection (d)—

(A) by striking ''(d)'' and all that follows through paragraph (2) and inserting the following:

''(d)(1) Upon the filing of a motion for rejection of a collective bargaining agreement, the court shall schedule a hearing to be held on not less than 21 days notice (unless the debtor and the authorized representative agree to a shorter time). Only the debtor and the authorized representative may appear and be heard at such hearing.''; and

(B) by redesignating paragraph (3) as paragraph (2);

(3) in subsection (f), by adding at the end the following: ''Any payment required to be made under this section before the date on which a plan confirmed under section 1129 is effective has the status of an allowed administrative expense, as provided in section 503.''; and

(4) by adding at the end the following:

''(g) The rejection of a collective bargaining agreement constitutes a breach of such contract with the same effect as rejection of an executory contract pursuant to section 365(g). No claim for rejection damages shall be limited by section 502(b)(7). Economic self-help by an authorized representative shall be permitted upon a court order granting a motion to reject a collective bargaining agreement under subsection (c) or court-authorized interim changes under subsection (e), and no provision of this title or of any other Federal or State law shall be construed to the contrary.

''(h) At any time after the date on which an order is entered authorizing rejection, or where an agreement providing mutually satisfactory modifications has been entered into between the debtor and the authorized representative, at any time after such agreement has been entered into, the authorized representative may apply to the court for an order seeking an increase in the level of wages or benefits, or relief from working conditions, based upon changed circumstances. The court shall grant the request so long as the increase or other relief is consistent with the standard set forth in subsection (b)(1)(B).

''(i) Upon request by the authorized representative, and where the court finds that the prospects for reaching a mutually satisfactory agreement would be aided by granting the request, the court may direct that a dispute under subsection (c) be heard and determined by a neutral panel of experienced labor arbitrators in lieu of a court proceeding under subsection (d). The decision of such panel shall have the same effect as a decision by the court. The court's decision directing the appointment of a neutral panel is not subject to appeal.

''(j) Upon request by the authorized representative, the debtor shall provide for the reasonable fees and costs incurred by the authorized representative under this section, after notice and a hearing.

''(k) If a plan to be confirmed under section 1129 provides for the liquidation of the debtor, whether by sale or cessation of all or part of the business, the trustee and the authorized representative shall confer regarding the effects of such liquidation on the affected labor group, in accordance with applicable nonbankruptcy law, and shall provide for the payment of all accrued obligations not assumed as part of a sale transaction, and for such other terms as may be agreed upon, in order to ensure an orderly transfer of assets or cessation of the business. Any such payments shall have the status of allowed administrative expenses under section 503.

''(l) A collective bargaining agreement that is assumed shall be assumed in accordance with section 365.''.

SEC. 9. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting '', whether or not the debtor asserts a right to unilaterally modify such payments under such plan, fund, or program'' before the period at the end;

(2) in subsection (c)(1), by adding at the end the following: ''Where a labor organization elects to serve as the authorized representative, the debtor shall provide for the reasonable fees and costs incurred by the authorized representative under this section after notice and a hearing.'';

(3) in subsection (f), by striking ''(f)'' and all that follows through paragraph (2) and inserting the following:

''(f)(1) Where a trustee seeks modification of retiree benefits, a motion seeking modification of such benefits shall not be filed, unless the trustee has first met with the authorized representative (at reasonable times and for a reasonable period in light of the complexity of the case) to confer in good faith in attempting to reach mutually satisfactory modifications. Proposals by the trustee to modify retiree benefits shall be limited to modifications in retiree benefits that—

''(A) are designed to achieve a total aggregate financial contribution for the affected retiree group for a period not to exceed 2 years after the effective date of the plan;

''(B) shall be no more than the minimal savings necessary to permit the debtor to exit bankruptcy, such that confirmation of such plan is not likely to be followed by the liquidation of the debtor or any successor to the debtor; and

''(C) shall not overly burden the affected retirees, either in the amount of the savings sought or the nature of the modifications, when compared to other constituent groups expected to maintain ongoing relationships with the debtor, including management personnel.

''(2) Proposals by the trustee under paragraph (1) shall be based upon the most complete and reliable information available. Information that is relevant for the negotiations shall be provided to the authorized representative.'';

(4) in subsection (g), by striking ''(g)'' and all that follows through the semicolon at the end of paragraph (3) and inserting the following:

''(g) If, after a period of negotiations, the debtor and the authorized representative have not reached agreement over mutually satisfactory modifications and the parties are at an impasse, the debtor may apply to the court for modifications in the payment of retiree benefits after notice and a hearing held pursuant to subsection (k). The court may grant a motion to modify the payment of retiree benefits only if the court finds that—

''(1) the debtor has, prior to the hearing, complied with the requirements of subsection (f) and has conferred in good faith with the authorized representative regarding such proposed modifications and the parties were at an impasse;

''(2) the court has considered alternative proposals by the authorized representative and has determined that such proposals do not meet the requirements of subparagraphs (A) and (B) of subsection (f)(1);

''(3) further negotiations are not likely to produce a mutually satisfactory agreement; and

''(4) the court has considered—

''(A) the effect of the proposed modifications on the affected retirees; and

''(B) where the authorized representative is a labor organization, the effect of a strike in the event of modification of retiree health benefits;'';

(5) in subsection (k)—

(A) in paragraph (1)—

(i) in the first sentence, by striking ''fourteen'' and inserting ''21''; and

(ii) by striking the second and third sentences, and inserting the following: ''Only the debtor and the authorized representative may appear and be heard at such hearing.'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2); and

(6) by redesignating subsections (l) and (m) as subsections (n) and (o), respectively, and inserting the following:

''(l) In determining whether the proposed modifications comply with subsection (f)(1)(A), the court shall take into account the ongoing impact on the debtor of the debtor's relationship with all subsidiaries and affiliates, regardless of whether any such subsidiary or affiliate is domestic or nondomestic, or whether any such subsidiary or affiliate is a debtor entity.

''(m) No plan, fund, program, or contract to provide retiree benefits for insiders or senior management shall be assumed by the debtor if the debtor has obtained relief under subsection (g) or (h) for reductions in retiree benefits or under subsection (c) or (e) of section 1113 for reductions in the health benefits of active employees of the debtor on or after the commencement of the case or reduced or eliminated active or retiree benefits within 180 days prior to the date of the commencement of the case.''.

SEC. 10. PROTECTION OF EMPLOYEE BENEFITS IN A SALE OF ASSETS.

Section 363 of title 11, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

''(3) In approving a sale under this subsection, the court shall consider the extent to which a bidder has offered to maintain existing jobs, has preserved retiree health benefits, and has assumed the obligations of any defined benefit plan, in determining whether an offer constitutes the highest or best offer for such property.''; and

(2) by adding at the end the following:

''(q) If, as a result of a sale approved under this section, retiree benefits, as defined under section 1114(a), are modified or eliminated pursuant to the provisions of subsection (e)(1) or (h) of section 1114 or otherwise, then, except as otherwise provided in an agreement with the authorized representative of such retirees, a charge of $20,000 per retiree shall be made against the proceeds of such sale (or paid by the buyer as part of the sale) for the purpose of—

''(1) funding 12 months of health coverage following the termination or modification of such coverage through a plan, fund, or program made available by the buyer, by the debtor, or by a third party; or

''(2) providing the means by which affected retirees may obtain replacement coverage on their own,

except that the selection of either paragraph (1) or (2) shall be upon the consent of the authorized representative, within the meaning of section 1114(b), if any. Any claim for modification or elimination of retiree benefits pursuant to section 1114(i) shall be offset by the amounts paid under this subsection.''.

SEC. 11. UNION PROOF OF CLAIM.

Section 501(a) of title 11, United States Code, is amended by inserting '', including a labor organization,'' after ''A creditor''.

SEC. 12. CLAIM FOR LOSS OF PENSION BENEFITS.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

''(l) The court shall allow a claim asserted by an active or retired participant in a defined benefit plan terminated under section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, for any shortfall in pension benefits accrued as of the effective date of the termination of such pension plan as a result of the termination of the plan and limitations upon the payment of benefits imposed pursuant to section 4022 of such Act, notwithstanding any claim asserted and collected by the Pension Benefit Guaranty Corporation with respect to such termination.''.

SEC. 13. PAYMENTS BY SECURED LENDER.

Section 506(c) of title 11, United States Code, is amended by adding at the end the following: ''Where employees have not received wages, accrued vacation, severance, or other benefits owed pursuant to the terms of a collective bargaining agreement for services rendered on and after the date of the commencement of the case, such unpaid obligations shall be deemed necessary costs and expenses of preserving, or disposing of, property securing an allowed secured claim and shall be recovered even if the trustee has otherwise waived the provisions of this subsection under an agreement with the holder of the allowed secured claim or successor or predecessor in interest.''.

SEC. 14. PRESERVATION OF JOBS AND BENEFITS.

Title 11, United States Code, is amended—

(1) by inserting before section 1101 the following:

''SEC. 1100. STATEMENT OF PURPOSE.

''A debtor commencing a case under this chapter shall have as its purpose the reorganization of its business and, to the greatest extent possible, maintaining or enhancing the productive use of its assets, so as to preserve jobs.'';

(2) in section 1129(a), by adding at the end the following:

''(17) The debtor has demonstrated that every reasonable effort has been made to maintain existing jobs and mitigate losses to employees and retirees.'';

(3) in section 1129(c), by striking the last sentence and inserting the following: ''If the requirements of subsections (a) and (b) are met with respect to more than 1 plan, the court shall, in determining which plan to confirm, consider—

''(1) the extent to which each plan would maintain existing jobs, has preserved retiree health benefits, and has maintained any existing defined benefit plans; and

''(2) the preferences of creditors and equity security holders, and shall confirm the plan that better serves the interests of employees and retirees.''; and

(4) in the table of sections in chapter 11, by inserting the following before the item relating to section 1101:

''1100. Statement of purpose.''.

SEC. 15. ASSUMPTION OF EXECUTIVE RETIREMENT PLANS.

Section 365 of title 11, United States Code, is amended—

(1) in subsection (a), by striking ''and (d)'' and inserting ''(d), and (q)''; and

(2) by adding at the end the following:

''(q) No deferred compensation arrangement for the benefit of insiders or senior management of the debtor shall be assumed if a defined benefit plan for employees of the debtor has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, on or after the date of the commencement of the case or within 180 days prior to the date of the commencement of the case.''.

SEC. 16. RECOVERY OF EXECUTIVE COMPENSATION.

Title 11, United States Code, is amended by inserting after section 562 the following:

''§ 563. Recovery of executive compensation

''(a) If a debtor has obtained relief under subsection (c) or (e) of section 1113, or subsection (g) or (h) of section 1114, by which the debtor reduces its contractual obligations under a collective bargaining agreement or retiree benefits plan, the court, as part of the entry of such order granting relief, shall determine the percentage diminution, as a result of the relief granted under section 1113 or 1114, in the value of the obligations when compared to the debtor's obligations under the collective bargaining agreement or with respect to retiree benefits, as of the date of the commencement of the case under this title. In making its determination, the court shall include reductions in benefits, if any, as a result of the termination pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, of a defined benefit plan administered by the debtor, or for which the debtor is a contributing employer, effective at any time on or after 180 days before the date of the commencement of a case under this title. The court shall not take into account pension benefits paid or payable under the provisions of title IV of such Act as a result of any such termination.

''(b) Where a defined benefit plan administered by the debtor, or for which the debtor is a contributing employer, has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, effective at any time on or after 180 days before the date of the commencement of a case under this title, but a debtor has not obtained relief under subsection (c) or (e) of section 1113, or subsection (g) or (h) of section 1114 of this title, the court, upon motion of a party in interest, shall determine the percentage diminution in the value of benefit obligations when compared to the total benefit liabilities prior to such termination. The court shall not take into account pension benefits paid or payable under the provisions of title IV of the Employee Retirement Income Security Act of 1974 as a result of any such termination.

''(c) Upon the determination of the percentage diminution in value under subsection (a) or (b), the estate shall have a claim for the return of the same percentage of the compensation paid, directly or indirectly (including any transfer to a self-settled trust or similar device, or to a nonqualified deferred compensation plan under section 409A(d)(1) of the Internal Revenue Code of 1986) to any officer of the debtor serving as member of the board of directors of the debtor within the year before the date of the commencement of the case, and any individual serving as chairman and any individual serving as lead director of the board of directors at the time of the granting of relief under section 1113 or 1114 of this title or, if no such relief has been granted, the termination of the defined benefit plan.

''(d) The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such claims, except that if neither the trustee nor such committee commences an action to recover such claim by the first date set for the hearing on the confirmation of plan under section 1129, any party in interest may apply to the court for authority to recover such claim for the benefit of the estate. The costs of recovery shall be borne by the estate.

''(e) The court shall not award postpetition compensation under section 503(c) or otherwise to any person subject to the provisions of subsection (c) if there is a reasonable likelihood that such compensation is intended to reimburse or replace compensation recovered by the estate under this section.''.

SEC. 17. EXCEPTION FROM AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (27), by striking ''and'' at the end;

(2) in paragraph (28), by striking the period at the end and inserting ''; and'' and

(3) by adding at the end the following:

''(29) of the commencement or continuation of a grievance, arbitration, or similar dispute resolution proceeding established by a collective bargaining agreement that was or could have been commenced against the debtor before the filing of a case under this title, or the payment or enforcement of an award or settlement under such proceeding.''.

SEC. 18. PREFERENTIAL COMPENSATION TRANSFER.

Section 547 of title 11, United States Code, is amended by adding at the end the following:

''(j) The trustee may avoid a transfer to or for the benefit of an insider (including an obligation incurred for the benefit of an insider under an employment contract) made in anticipation of bankruptcy, or a transfer made in anticipation of bankruptcy to a consultant who is formerly an insider and who is retained to provide services to an entity that becomes a debtor (including an obligation under a contract to provide services to such entity or to a debtor) made or incurred on or within 1 year before the filing of the petition. No provision of subsection (c) shall constitute a defense against the recovery of such transfer. The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such transfer, except that, if neither the trustee nor such committee commences an action to recover such transfer by the time of the commencement of a hearing on the confirmation of a plan under section 1129, any party in interest may apply to the court for authority to recover the claims for the benefit of the estate. The costs of recovery shall be borne by the estate.''.

SEC. 19. FINANCIAL RETURNS FOR EMPLOYEES AND RETIREES.

Section 1129(a) of title 11, United States Code, is amended—

(1) by adding at the end the following:

''(18) In a case in which the debtor initiated proceedings under section 1113, the plan provides for recovery of rejection damages (where the debtor obtained relief under subsection (c) or (e) of section 1113 prior to confirmation of the plan) or for other financial returns, as negotiated by the debtor and the authorized representative (to the extent that such returns are paid under, rather than outside of, a plan).''; and

(2) by striking paragraph (13) and inserting the following:

''(13) With respect to retiree benefits, as that term is defined in section 1114, the plan—

''(A) provides for the continuation after its effective date of payment of all retiree benefits at the level established pursuant to subsection (e)(1)(B) or (g) of section 1114 at any time prior to the date of confirmation of the plan, for the duration of the period for which the debtor has obligated itself to provide such benefits, or, if no modifications are made prior to confirmation of the plan, the continuation of all such retiree benefits maintained or established in whole or in part by the debtor prior to the date of the filing of the petition; and

''(B) provides for allowed claims for modification of retiree benefits or for other financial returns, as negotiated by the debtor and the authorized representative, to the extent that such returns are paid under, rather than outside of, a plan).''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 330—EXPRESSING THE SENSE OF THE SENATE REGARDING THE DEGRADATION OF THE JORDAN RIVER AND THE DEAD SEA AND WELCOMING COOPERATION BETWEEN THE PEOPLES OF ISRAEL, JORDAN, AND PALESTINE

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 330

Whereas the Dead Sea and the Jordan River are bodies of water of exceptional historic, religious, cultural, economic, and environmental importance for the Middle East and the world;

Whereas the world's 3 great monotheistic faiths—Christianity, Islam, and Judaism—consider the Jordan River a holy place;

Whereas local governments have diverted more than 90 percent of the Jordan's traditional 1,300,000,000 cubic meters of annual water flow in order to satisfy a growing demand for water in the arid region;

Whereas the Jordan River is the primary tributary of the Dead Sea and the dramatically reduced flow of the Jordan River has been the primary cause of a 20 meter fall in the Dead Sea's water level and a ⅓ decline in the Dead Sea's surface area in less than 50 years;

Whereas the Dead Sea's water level continues to fall about a meter a year;

Whereas the decline in water level of the Dead Sea has resulted in significant environmental damage, including loss of freshwater springs, river bed erosion, and over 1,000 sinkholes;

Whereas mismanagement has resulted in the dumping of sewage, fish pond runoff, and salt water into the Jordan River and has led to the pollution of the Jordan River with agricultural and industrial effluents;

Whereas the World Monuments Fund has listed the Jordan River as one of the world's 100 most endangered sites;

Whereas widespread consensus exists regarding the need to restore the quantity and quality of the Jordan River water flow and to restore the water level of the Dead Sea;

Whereas the Governments of Jordan and Israel, as well as the Palestinian Authority (the ''Beneficiary Parties''), working together in an unusual and welcome spirit of cooperation, have attempted to address the Dead Sea water level crisis by articulating a shared vision of the Red Sea-Dead Sea Water Conveyance Concept;

Whereas Binyamin Ben Eliezar, the Minister of National Infrastructure of Israel, has said, ''The Study is an excellent example for cooperation, peace, and conflict reduction. Hopefully it will become the first of many such cooperative endeavors'';

Whereas Mohammed Mustafa, the Economic Advisor for the Palestinian Authority, has said, ''This cooperation will bring wellbeing for the peoples of the region, particularly Palestine, Jordan, and Israel . . . We pray that this type of cooperation will be a positive experience to deepen the notion of dialogue to reach solutions on all other tracks'';

Whereas Zafer al-Alem, the former Water Minister of Jordan, has said, ''This project is a unique chance to deepen the meaning of peace in the region and work for the benefit of our peoples'';

Whereas the Red Sea-Dead Sea Water Conveyance Concept envisions a 110-mile pipeline from the Red Sea to the Dead Sea that would descend approximately 1,300 feet creating an opportunity for hydroelectric power generation and the desalination and restoration of the Dead Sea;

Whereas some have raised legitimate questions regarding the feasibility and environmental impact of the Red Sea–Dead Sea Water Conveyance Concept;

Whereas the Beneficiary Parties have asked the World Bank to oversee a feasibility study and an environmental and social assessment whose purpose is to conclusively answer these questions;

Whereas the Red Sea–Dead Sea Water Conveyance Concept would not address the degradation of the Jordan River;

Whereas the Beneficiary Parties could address the degradation of the Jordan River by designing a comprehensive strategy that includes tangible steps related to water conservation, desalination, and the management of sewage and agricultural and industrial effluents; and

Whereas Israel and the Palestinian Authority are expected to hold high-level meetings in Washington in November 2007 to seek an enduring solution to the Arab–Israeli crisis: Now, therefore, be it

Resolved, That the Senate—

(1) calls the world's attention to the serious and potentially irreversible degradation of the Jordan River and the Dead Sea;

(2) applauds the cooperative manner with which the Governments of Israel and Jordan, as well as the Palestinian Authority (the ''Beneficiary Parties''), have worked to address the declining water level and quality of the Dead Sea and other water-related challenges in the region;

(3) supports the Beneficiary Parties' efforts to assess the environmental, social, health, and economic impacts, costs, and feasibility of a possible pipeline from the Red Sea to the Dead Sea in comparison to alternative proposals;

(4) encourages the Governments of Israel and Jordan, as well as the Palestinian Authority, to continue to work in a spirit of cooperation as they address the region's serious water challenges;

(5) urges Israel, Jordan, and the Palestinian Authority to develop a comprehensive strategy to rectify the degradation of the Jordan River; and

(6) hopes the spirit of cooperation manifested by the Beneficiary Parties in their search for a solution to the Dead Sea water crisis might serve as a model for addressing the degradation of the Jordan River, as well as a model of peace and cooperation for the upcoming meetings in Washington between Israel and the Palestinian Authority as they seek to resolve long-standing disagreements and to develop a durable solution to the Arab–Israeli crisis.

Mr. LUGAR. Mr. President, I rise to introduce a resolution expressing the sense of the Senate regarding the degradation of the Jordan River and the Dead Sea and welcoming cooperation between the peoples of Israel, Jordan and Palestine.

The Jordan River and the Dead Sea are bodies of water of exceptional historic, religious, cultural, economic and environmental importance for the Middle East and the world. However, both the Jordan River and the Dead Sea face serious problems. The governments of Israel and Jordan, as well as the Palestinian Authority, have worked together in an unusual and welcome spirit of cooperation to address many of the water challenges confronting the region. The Senate applauds this cooperation and urges Israel, Jordan and the Palestinian Authority to continue to work in a spirit of cooperation as it addresses the degradation of the Jordan River and the Dead Sea, and hopes this cooperation might serve as a model for Israel and the Palestinian Authority as they prepare to meet in Washington this fall to seek a durable solution to the Arab-Israeli crisis.

SENATE RESOLUTION 331—EXPRESSING THE SENSE OF THE SENATE THAT TURKEY SHOULD END ITS MILITARY OCCUPATION OF THE REPUBLIC OF CYPRUS, PARTICULARLY BECAUSE TURKEY'S PRETEXT HAS BEEN REFUTED BY OVER 13,000,000 CROSSINGS OF THE DIVIDE BY TURKISH-CYPRIOTS AND GREEK CYPRIOTS INTO EACH OTHER'S COMMUNITIES WITHOUT INCIDENT

Mr. MENENDEZ (for himself and Ms. SNOWE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 331

Whereas it is in the best interests of the United States, Turkey, Cyprus, the European Union, and NATO for Turkey to adhere to United Nations resolutions and United States and European Union policy and end its military occupation of the Republic of Cyprus;

Whereas 13,000,000 crossings of the divide by Turkish-Cypriots and Greek-Cypriots into each other's communities without incident qualifies Cyprus' ethnic community relations to be among the world's safest, regardless of circumstances;

Whereas, unlike age-old ethnic frictions in the region, Cyprus has historically been an oasis of generally peaceful relations among ethnic communities, as is reflected in many

Turkish-Cypriot and Greek-Cypriot emigrants seeking each other as neighbors in places like Great Britain;

Whereas United States interests, regional stability, and relations between United States allies Greece and Turkey will improve with an end to the occupation of Cyprus;

Whereas Turkey's European Union accession prospects, which require approval by each European Union nation, will improve if Turkey ends its hostile occupation of Cyprus, a European Union nation;

Whereas Turkey's image for religious tolerance will improve by removing troops that have allowed, as German Chancellor and European Union President Angela Merkel recently said, ''destruction of churches or other religious sites'' under their control; and

Whereas overlooking Turkey's occupation of Cyprus injures the moral standing of the United States internationally and doesn't help the image of the United States in Turkey, which recently ranked last in a 47-nation Pew survey for favorable views of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the United States Government to initiate a new effort to help Turkey understand the benefits that will accrue to it as a result of ending its military occupation of Cyprus;

(2) urges the Government of Turkey to immediately begin the withdrawal of its military occupation forces from the Republic of Cyprus; and

(3) urges the Government of Turkey to complete the withdrawal of its occupation forces in the near future so that Turkey, Cyprus, the region, and the United States can begin realizing the benefits of the end of that occupation.

Mr. MENENDEZ. Mr. President, I am here to offer a resolution which calls on Turkey to immediately begin the withdrawal of its troops from Cyprus and end its military occupation. Turkish troops have now been in Cyprus for over 33 years. The number of these troops has increased over the last three decades so that there are now more than 43,000, making this area one of the most militarized in the world.

Let me be clear. There is no legitimate justification for the 43,000 Turkish troops to be in Cyprus. Cyprus is a peaceful country. Millions of people have been crossing the buffer zone without incident for years. There are no military attacks and there is no need for military protection of Turkish Cypriots. In the end, these troops only serve to create military tension. Again, there is absolutely no legitimate justification for this military occupation.

In fact, Cyprus has historically been an oasis of generally peaceful relations. When Turkish-Cypriots and Greek-Cypriots emigrate to Great Britain from Cyprus, they often seek to live next to each other as neighbors.

This resolution highlights these examples and uses them as evidence to urge Turkey to immediately begin the withdrawal of its military occupation. And it notes the importance of Turkey fulfilling this as soon as possible so that Turkey, Cyprus, the region and the United States can work more closely on other strategic issues.

This resolution, in addition, calls on the U.S. Government to initiate a new effort to help Turkey understand the benefits of ending its military occupation of Cyprus. Such benefits include: Improving Turkey's European Union accession prospects; improving regional stability; improving relations with Greece; improving relations with the United States and; improving Turkey's image on religious tolerance.

It is also in the best interest of the U.S., the European Union, and NATO for Turkey to end its military occupation of the Republic of Cyprus. Sadly, Turkey ranked last in a recent 47-nation Pew survey for favorable views of the U.S. Ending their occupation will offer more opportunities for U.S.-Turkey cooperation which will only improve our image in this key U.S. ally.

For the U.S. to remain silent during this unjust occupation injures our moral standing internationally. Because silence is complicity, we must speak out.

That is why I am proud to be the lead on this resolution with Senator Snowe which calls on Turkey to end its unjust military occupation in Cyprus.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3033. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2237 submitted by Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. LEAHY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. BAYH, Mr. MENENDEZ, Mrs. MURRAY, Mrs. BOXER, Ms. CANTWELL, Mr. SALAZAR, and Mr. DODD) 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.

SA 3034. Mr. GREGG 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 3035. Mr. REID (for Mr. KENNEDY (for himself and Mr. SMITH)) proposed an amendment to the bill H.R. 1585, supra.

SA 3036. Mr. WARNER 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 3037. Mr. KERRY 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 3038. Mr. REID proposed an amendment to the bill H.R. 1585, supra.

SA 3039. Mr. REID proposed an amendment to amendment SA 3038 proposed by Mr. REID to the bill H.R. 1585, supra.

SA 3040. Mr. REID proposed an amendment to amendment SA 3039 proposed by Mr. REID to the amendment SA 3038 proposed by Mr. REID to the bill H.R. 1585, supra.

SA 3041. Mr. KERRY 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 3042. Mr. VITTER (for himself, Mr. COBURN, and Mr. KYL) 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 3043. Mr. BIDEN 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 3044. 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.

SA 3045. 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 3046. Mr. BOND 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 3047. Mr. CASEY (for Mr. HATCH) proposed an amendment to amendment SA 2011 proposed by Mr. NELSON of Nebraska (for Mr. LEVIN) to the bill H.R. 1585, supra.

TEXT OF AMENDMENTS

SA 3033. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2237 submitted by Mr. DURBIN (for himself, Mr. HAGEL, Mr. LUGAR, Mr. LEAHY, Mr. OBAMA, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. KERRY, Mr. FEINGOLD, Mrs. CLINTON, Mr. BAYH, Mr. MENENDEZ, Mrs. MURRAY, Mrs. BOXER, Ms. CANTWELL, Mr. SALAZAR, and Mr. DODD) 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 19, after line 3, add the following:

SEC. 3313. EFFECTIVE DATE TRIGGERS.

(a) IN GENERAL.—This title shall take effect on the date on which the Secretary of Homeland Security submits a written certification to the President and Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The Commissioner of United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There have been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—The Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act of 2005 (division B of Public Law 109–13); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) should be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress that describes—

(A) the progress made in funding, meeting, or otherwise satisfying each of the requirements described in subsection (a); and

(B) any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the report required under paragraph (1) shall contain specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

(e) CERTIFICATION OF IMPLEMENTATION OF EXISTING PROVISIONS OF LAW.—

(1) IN GENERAL.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing such requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) EXISTING LAW.—A certification may not be made under paragraph (1) unless the following provisions of existing law have been fully implemented, as directed by the Congress:

(A) The Department of Homeland Security has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109–367).

(B) The total miles of fence required under the Secure Fence Act of 2006 have been constructed.

(C) All databases maintained by the Department of Homeland Security that contain information on aliens are fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Secretary of Homeland Security has implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US–VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting ''sanctuary'' policies or that prevents State and local employees from communicating with the Department of Homeland Security are being fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department of Homeland Security maintains fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card cannot enter the United States until the biometric identifier on the border crossing card is matched against the alien in accordance with section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the President has received a certification under subsection (e), the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the relevant requirements set forth in subsection (e) have not been met.

(2) DISAPPROVAL.—If the President disapproves a certification, the President shall provide the Secretary of the department or agency that made such certification with a notice that contains a description of the manner in which the requirement was not met. The Secretary of the department or agency responsible for implementing such requirement shall continue to work to implement such requirement.

(3) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing a requirement described in subsection (e) shall consider a certification submitted under subsection (e) to be approved unless the Secretary receives the notice set forth in paragraph (2). If a certification is deemed approved, the Secretary of Homeland Security shall continue to ensure that the requirement continues to be fully implemented as directed by Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs, and the Committee on Finance of the Senate; and

(B) to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security, and the Committee on Ways and Means of the House of Representatives.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, this title shall not be implemented unless, during the first 90-calendar day period of continuous session of the Congress after the date of the receipt by the Congress of such notice of Presidential Certification of Immigration Enforcement, Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly

to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of, a resolution described in paragraph (2)(C), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Presidential Certification of Immigration Enforcement'' means the certification required under this section, which is signed by the President, and reads as follows:

''Pursuant to the provisions set forth in section 3313 of the National Defense Authorization Act for Fiscal Year 2008 (the 'Act'), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.''.

(2) CERTIFICATION.—The term ''certification'' means any of the certifications required under subsection (a).

(3) IMMIGRATION ENFORCEMENT MEASURE.—The term ''immigration enforcement measure'' means any of the measures required to be certified pursuant to subsection (a).

(4) RESOLUTION OF PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Resolution of Presidential Certification of Immigration Enforcement'' means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

''That Congress approves the certification of the President of the United States submitted to Congress on _____ that the national borders of the United States have been secured in accordance with the provisions set forth in section 3313 of the National Defense Authorization Act for Fiscal Year 2008.''.

SA 3034. Mr. GREGG 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 E of title X, add the following:

SEC. 1070. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

''SEC. 208. CHILD CUSTODY PROTECTION.

''(a) LIMITATION ON CHANGE OF CUSTODY.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except—

''(1) with the express written consent of the servicemember to such change; or

''(2) that a court may enter a temporary custody order if there is clear and convincing evidence that it is in the best interest of the child.

''(b) COMPLETION OF DEPLOYMENT.—In any preceding covered by subsection (a)(2), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated.

''(c) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion for the change of custody of the child of a servicemember who was deployed in support of a contingency operation is filed after the end of the deployment, no court may consider the absence of the servicemember by reason of that deployment in determining the best interest of the child.

''(d) CONTINGENCY OPERATION DEFINED.—In this section, the term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code, except that the term may include such other deployments as the Secretary may prescribe.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

''Sec. 208. Child custody protection.''.

SA 3035. Mr. REID (for Mr. KENNEDY (for himself and Mr. SMITH)) proposed an amendment 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; as follows:

In lieu of the matter proposed to be stricken insert the following:

SEC. 1070. HATE CRIMES.

(a) SHORT TITLE.—This section may be cited as the ''Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007''.

(b) FINDINGS.—Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct ''races''. Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

(c) DEFINITION OF HATE CRIME.—In this section—

(1) the term ''crime of violence'' has the meaning given that term in section 16, title 18, United States Code;

(2) the term ''hate crime'' has the meaning given such term in section 280003(a) of the Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term ''local'' means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

(d) SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.—

(1) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(A) IN GENERAL.—At the request of State, local, or Tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(i) constitutes a crime of violence;

(ii) constitutes a felony under the State, local, or Tribal laws; and

(iii) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or Tribal hate crime laws.

(B) PRIORITY.—In providing assistance under subparagraph (A), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(2) GRANTS.—

(A) IN GENERAL.—The Attorney General may award grants to State, local, and Indian law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(B) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this paragraph, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(C) APPLICATION.—

(i) IN GENERAL.—Each State, local, and Indian law enforcement agency that desires a grant under this paragraph shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(ii) DATE FOR SUBMISSION.—Applications submitted pursuant to clause (i) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(iii) REQUIREMENTS.—A State, local, and Indian law enforcement agency applying for a grant under this paragraph shall—

(I) describe the extraordinary purposes for which the grant is needed;

(II) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(III) demonstrate that, in developing a plan to implement the grant, the State, local, and Indian law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(IV) certify that any Federal funds received under this paragraph will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this paragraph.

(D) DEADLINE.—An application for a grant under this paragraph shall be approved or denied by the Attorney General not later than 30 business days after the date on which the Attorney General receives the application.

(E) GRANT AMOUNT.—A grant under this paragraph shall not exceed $100,000 for any single jurisdiction in any 1-year period.

(F) REPORT.—Not later than December 31, 2008, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this paragraph, the award of such grants, and the purposes for which the grant amounts were expended.

(G) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $5,000,000 for each of fiscal years 2008 and 2009.

(e) GRANT PROGRAM.—

(1) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or Tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(f) AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.—There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, for fiscal years 2008, 2009, and 2010 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by this section.

(g) PROHIBITION OF CERTAIN HATE CRIME ACTS.—

(1) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

''(a) IN GENERAL.—

''(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

''(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(i) death results from the offense; or

''(ii) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

''(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B), willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

''(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

''(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

''(I) death results from the offense; or

''(II) the offense includes kidnaping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

''(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

''(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

''(I) across a State line or national border; or

''(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

''(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

''(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

''(iv) the conduct described in subparagraph (A)—

''(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

''(II) otherwise affects interstate or foreign commerce.

''(b) CERTIFICATION REQUIREMENT.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any Assistant Attorney General specially designated by the Attorney General that—

''(1) such certifying individual has reasonable cause to believe that the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of any person was a motivating factor underlying the alleged conduct of the defendant; and

''(2) such certifying individual has consulted with State or local law enforcement officials regarding the prosecution and determined that—

''(A) the State does not have jurisdiction or does not intend to exercise jurisdiction;

''(B) the State has requested that the Federal Government assume jurisdiction;

''(C) the State does not object to the Federal Government assuming jurisdiction; or

''(D) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence.

''(c) DEFINITIONS.—In this section—

''(1) the term 'explosive or incendiary device' has the meaning given such term in section 232 of this title;

''(2) the term 'firearm' has the meaning given such term in section 921(a) of this title; and

''(3) the term 'gender identity' for the purposes of this chapter means actual or perceived gender-related characteristics.

''(d) RULE OF EVIDENCE.—In a prosecution for an offense under this section, evidence of expression or associations of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing impeachment of a witness.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

''249. Hate crime acts.''.

(h) STATISTICS.—

(1) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ''gender and gender identity,'' after ''race,''.

(2) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting '', including data about crimes committed by, and crimes directed against, juveniles'' after ''data acquired under this section''.

(i) SEVERABILITY.—If any provision of this section, an amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 3036. Mr. WARNER 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 C of title XV, add the following:

SEC. 1535. NO INFRINGEMENT ON THE SOVEREIGN RIGHTS OF THE NATION OF IRAQ.

In accordance with international law, no provision of this Act may be construed to infringe in any way or manner on the sovereign rights of the nation of Iraq.

SA 3037. Mr. KERRY 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 X, add the following:

SEC. 1070. SMALL HIGH-TECH FIRMS.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2016''.

SA 3038. Mr. REID proposed an amendment 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; as follows:

The provisions of this Act shall become effective 3 days after enactment.

SA 3039. Mr. REID proposed an amendment to amendment SA 3038 proposed by Mr. REID 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; as follows:

Strike ''3'' and insert ''2''.

SA 3040. Mr. REID proposed an amendment to amendment SA 3039 proposed by Mr. REID to the amendment SA 3038 proposed by Mr. REID 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; as follows:

Strike ''2'' and insert ''1''.

SA 3041. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1585, to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1070. SMALL HIGH-TECH FIRMS.

Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2010''.

SA 3042. Mr. VITTER (for himself, Mr. COBURN, and Mr. KYL) 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 C of title X, add the following:

SEC. 1031. VOTING BY DEPARTMENT OF DEFENSE PERSONNEL.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense has consistently claimed that voting rates among members of the Armed Forces exceed 70 percent.

(2) The Status of Forces survey of the Department of Defense for the 2006 elections shows clearly that only 22 percent of eligible members of the Armed Forces were able to cast a ballot.

(3) The General Accountability Office report entitled ''Elections: Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens'' and dated June 14, 2007 (GAO–07–774), cites continued shortcomings with current Department of Defense efforts to facilitate voting by members of the Armed Forces and strongly recommends additional actions for that purpose.

(4) Congress has a fundamental responsibility to ensure that all members of the Armed Forces have a voice in our government.

(5) Troops who fight to defend America's democracy should have every opportunity to participate in that democracy by being able to cast a ballot and know that ballot has been counted.

(b) OVERSIGHT OF VOTING BY DEPARTMENT OF DEFENSE PERSONNEL.—

(1) RESPONSIBILITY WITHIN DOD.—The Secretary of Defense shall designate a single member of the Armed Forces to undertake responsibility for matters relating to voting by Department of Defense personnel. The member so designated shall report directly to the Secretary in the discharge of that responsibility.

(2) RESPONSIBILITY WITHIN MILITARY DEPARTMENTS.—The Secretary of each military department shall designate a single member of the Armed Forces under the jurisdiction of such Secretary to undertake responsibility for matters relating to voting by personnel of such military department. The member so designated shall report directly to such Secretary in the discharge of that responsibility.

(3) MANAGEMENT OF MILITARY VOTING OPERATIONS.—The Business Transformation Agency shall oversee the management of business systems and procedures of the Department of Defense with respect to military and overseas voting, including applicable communications with States and other non-Department entities regarding voting by Department of Defense personnel. In carrying out that responsibility, the Business Transformation Agency shall be responsible for the implementation of any pilot programs and other programs carried out for purposes of voting by Department of Defense personnel.

(4) IMPROVEMENT OF BALLOT DISTRIBUTION.—The Secretary of Defense shall undertake appropriate actions to streamline the distribution of ballots to Department of Defense personnel using electronic and Internet-based technology. In carrying out such actions, the Secretary shall seek to engage stakeholders in voting by Department of Defense personnel at all levels to ensure maximum participation in such actions by State and local election officials, other appropriate State officials, and members of the Armed Forces.

(5) REPORTS.—

(A) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of efforts to implement the requirements of this subsection.

(B) REPORT ON PLAN OF ACTION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report setting forth a comprehensive plan of action to ensure that members of the Armed Forces have the full opportunity to exercise their right to vote.

SA 3043. Mr. BIDEN 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 530, between lines 10 and 11, insert the following:

SEC. 3126. AGREEMENTS AND REPORTS ON NUCLEAR FORENSICS CAPABILITIES.

(a) INTERNATIONAL AGREEMENTS ON NUCLEAR WEAPONS DATA.—The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations to conduct data collection and analysis to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon.

(b) INTERNATIONAL AGREEMENTS ON INFORMATION ON RADIOACTIVE MATERIALS.—The Secretary of Energy may, with the concurrence of the Secretary of State and in coordination with the Secretary of Defense, the Secretary of Homeland Security, and the Director of National Intelligence, enter into agreements with countries or international organizations—

(1) to acquire for the materials information program of the Department of Energy validated information on the physical characteristics of radioactive material produced, used, or stored at various locations, in order to facilitate the ability to determine accurately and in a timely manner the source of any components of, or fissile material used or attempted to be used in, a nuclear device or weapon; and

(2) to obtain access to information described in paragraph (1) in the event of—

(A) a nuclear detonation; or

(B) the interdiction or discovery of a nuclear device or weapon or nuclear material.

(c) REPORT ON AGREEMENTS.—Not later than one year after the date of the enactment of this Act, the Secretary of Energy shall, in coordination with the Secretary of State, submit to Congress a report identifying—

(1) the countries or international organizations with which the Secretary has sought to make agreements pursuant to subsections (a) and (b);

(2) any countries or international organizations with which such agreements have been finalized and the measures included in such agreements; and

(3) any major obstacles to completing such agreements with other countries and international organizations.

(d) REPORT ON STANDARDS AND CAPABILITIES.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report—

(1) setting forth standards and procedures to be used in determining accurately and in a timely manner any country or group that knowingly or negligently provides to another country or group—

(A) a nuclear device or weapon;

(B) a major component of a nuclear device or weapon; or

(C) fissile material that could be used in a nuclear device or weapon;

(2) assessing the capability of the United States to collect and analyze nuclear material or debris in a manner consistent with the standards and procedures described in paragraph (1); and

(3) including a plan and proposed funding for rectifying any shortfalls in the nuclear forensics capabilities of the United States by September 30, 2010.

SA 3044. 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; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) PROHIBITION.—

(1) CONTRACTS.—

(A) IN GENERAL.—Notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense to implement new programs or projects pursuant to congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) BID REQUIREMENT.—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project pursuant to a congressional initiative unless more than one bid is received for such contract.

(2) GRANTS.—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project pursuant to a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) WAIVER AUTHORITY.—

(A) IN GENERAL.—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative

agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

(B) CONGRESSIONAL NOTIFICATION.—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress and the Committees on Armed Services of the Senate and the House of Representatives.

(4) CONTRACTING AUTHORITY.—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than December 31, 2008, and December 31 of each year thereafter, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) CONTENT.—Each report submitted under paragraph (1) shall include with respect to each contract, grant, or cooperative agreement awarded to implement a new program or project pursuant to a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) PUBLICATION.—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) CONGRESSIONAL INITIATIVE DEFINED.—In this section, the term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) APPLICABILITY.—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

SA 3045. 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 title I, add the following:

Subtitle E—Joint and Multiservice Matters

SEC. 161. COMPETITION FOR THE PROCUREMENT OF INDIVIDUAL WEAPONS.

(a) CERTIFICATION BY MILITARY DEPARTMENTS.—Not later than March 1, 2008, the Secretary of each military department shall certify new requirements for individual weapons that take into account lessons learned from combat operations.

(b) JOINT REQUIREMENTS OVERSIGHT COUNCIL (JROC) CERTIFICATION.—Not later than June 1, 2008, the Joint Requirements Oversight Council shall certify individual weapon calibers that best satisfy the requirements certified under subsection (a).

(c) COMPETITION REQUIRED.—Each military department shall rapidly conduct full and open competitions for procurements to fulfill the requirements certified under subsections (a) and (b).

(d) PROCUREMENTS COVERED.—This section applies to the procurement of individual weapons less than .50 caliber (to include shotguns).

SA 3046. Mr. BOND 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:

After section 1064, insert the following:

SEC. 1065. IMPROVEMENTS IN THE PROCESS FOR THE ISSUANCE OF SECURITY CLEARANCES.

(a) DEMONSTRATION PROJECT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall implement a demonstration project that applies new and innovative approaches to improve the processing of requests for security clearances.

(b) EVALUATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall carry out an evaluation of the process for issuing security clearances and develop a specific plan and schedule for replacing such process with an improved process.

(c) REPORT.—Not later than 30 days after the date of the completion of the evaluation required by subsection (b), the Secretary of Defense and the Director of National Intelligence shall submit to Congress a report on—

(1) the results of the demonstration project carried out pursuant to subsection (a);

(2) the results of the evaluation carried out under subsection (b); and

(3) the specific plan and schedule for replacing the existing process for issuing security clearances with an improved process.

SA 3047. Mr. CASEY (for Mr. HATCH) proposed an amendment 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; as follows:

At the appropriate place in the substitute add the following:

SEC. ____. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term ''relevant offense'' means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions

of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed $100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, September 27, 2007, at 9 a.m. in room 628 of the Dirksen Senate Office Building in order to conduct a business meeting to consider pending business, to be followed immediately by an oversight hearing on the prevalence of violence against Indian women.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 25, 2007, at 9:30 a.m., in order to conduct a hearing entitled ''Two Years After the Storm: Housing Needs in the Gulf Coast.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURSES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Tuesday, September 25, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purposes of the hearing are to receive testimony on S. 1756, a bill to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, and for other purposes; and to receive testimony on the implementation of the Compact of Free Association between the United States and the Marshall Islands.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, September 25, 2007 at 2 p.m. in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Green Jobs Created by Global Warming Initiatives.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, September 25, 2007, at 10 a.m., in room G–50 of the Dirksen Senate Office Building, to hear testimony on ''Home and Community Based Care: Expanding Options for Long Term Care.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. 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 25, 2007, at 2:30 p.m., in order to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled ''Strengthening FISA: Does the Protect America Act Protect Americans' Civil Liberties and Enhance Security?'' on Tuesday, September 25, 2007, at 9:30 a.m., in the Hart Senate Office Building Room 216.

Witness list:

Panel I: The Honorable J. Michael McConnell, Director of National Intelligence, Office of the Director of National Intelligence, Washington, DC.

Panel II: James A. Baker, Lecturer on Law, Harvard Law School, Formerly Counsel for Intelligence Policy, Department of Justice Washington, DC; James X. Dempsey, Policy Director, Center for Democracy and Technology, San Francisco, CA; Suzanne E. Spaulding, Principal Bingham Consulting Group, Washington, DC; Bryan Cunningham, Principal, Morgan & Cunningham LLC, Greenwood Village, CO.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet in order to conduct a hearing entitled ''Judicial Nominations'' on Tuesday, September 25, 2007, at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

Witness list: John Daniel Tinder to be United States Circuit Judge for the Seventh Circuit; Robert M. Dow, Jr., to be United States District Judge for the Northern District of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Tuesday, September 25, 2007, in order to conduct an Oversight Hearing on Persian Gulf Research. The Committee will meet in 562 Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 25, 2007 at 2 p.m. to hold a closed hearing.

The PRESIDING OFFICER: Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 976

Mr. CASEY. Mr. President, I ask unanimous consent that on Wednesday, September 26, when cloture is filed on the motion to concur in the House amendments to the Senate amendments to H.R. 976, that it be considered to have been filed on Tuesday, and the mandatory quorum be waived, notwithstanding rule XXII.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. CASEY. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration, and the Senate now proceed to S. Res. 325.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 325), supporting efforts to increase childhood cancer awareness, treatment, and research.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CASEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 325) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 325

Whereas an estimated 12,400 children are diagnosed with cancer each year;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children die from cancer each year;

Whereas the incidence of cancer among children in the United States is rising by about 1 percent each year;

Whereas 1 in every 330 people in the United States develops cancer before age 20;

Whereas approximately 8 percent of deaths of individuals between 1 and 19 years old are caused by cancer;

Whereas, while some progress has been made, a number of opportunities for childhood cancer research still remain unfunded or underfunded;

Whereas limited resources for childhood cancer research can hinder the recruitment of investigators and physicians to the field of pediatric oncology;

Whereas the results of peer-reviewed clinical trials have helped to raise the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancers continues to increase, with about 1 in 640 adults between ages 20 to 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least 1 late effect from treatment, which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and have serious consequences; and

Whereas 89 percent of children with terminal cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about—

(A) the incidence of cancer among children;

(B) the signs and symptoms of cancer in children; and

(C) options for the treatment of, and long-term follow-up for, childhood cancers;

(2) increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients;

(7) policies that enhance education, services, and other resources related to late effects from treatment; and

(8) grassroots efforts to promote awareness and support research for cures for childhood cancer.

TRADE ADJUSTMENT ASSISTANCE PROGRAM EXTENSION

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3375, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3375) to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3375) was ordered to a third reading, was read the third time, and passed.

Mr. CASEY. 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. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY.) Without objection, it is so ordered.

PATIENT AND PHARMACY PROTECTION ACT OF 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 2085, and that the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2085) to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2085) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2085

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 ''Patient and Pharmacy Protection Act of 2007''.

SEC. 2. 6-MONTH DELAY IN REQUIREMENT TO USE TAMPER-RESISTANT PRESCRIPTION PADS UNDER MEDICAID.

Effective as if included in the enactment of section 7002(b) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28, 121 Sta. 187), paragraph (2) of such section is amended by striking ''September 30, 2007'' and inserting ''March 31, 2008''.

ORDERS FOR WEDNESDAY, SEPTEMBER 26, 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, September 26; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then 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 the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:50 p.m., adjourned until Wednesday, September 26, 2007, at 9:30 a.m.

NOMINATIONS

Executive nomination received by the senate:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHRISTINA H. PEARSON, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE SUZANNE C. DEFRANCIS, RESIGNED.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on September 25, 2007 withdrawing from further Senate consideration the following nomination:

JOHN A. RIZZO, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY, VICE SCOTT W. MULLER, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

IN RECOGNITION OF LINDA SPEARS' 2007 DON CARLOS HUMANITARIAN AWARD

SPEECH OF

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 19, 2007

Mr. MITCHELL. Madam Speaker, I rise today to recognize long time Tempe resident, past councilwoman and friend, Linda Spears, who will be receiving the 2007 Don Carlos Humanitarian of the Year Award tonight in my hometown of Tempe, Arizona.

The Don Carlos Humanitarian Award honors a Tempe resident who upholds the humanitarian ideals of Charles Trumball Hayden, Tempe's founder, who was referred to as ''Don Carlos'' by Hispanic pioneers due to his generosity and compassion for people in need. This prestigious recognition is awarded each year by the Tempe Community Council to pay tribute to Tempeans for their outstanding humanitarian service in the community over an extended period of time.

Linda served on the Tempe City Council from 1994 to 1998. Yet Linda's service to the community dates back to 1990, through a variety of human service efforts in the community. Linda continues her dedication to the community through her activities with the Boys and Girls Club, contributing her leadership and fundraising skills to help the needs of children served by their programs.

Madam Speaker, in addition to her service to the Boys and Girls Club, Linda served on the boards of the TIE Foundation from 1997 through 2003, the Tempe Salvation Army from 1999 through 2002, the Centers for Habilitation from 1996 through 2003 and Tempe Community Council from 1999 through 2007.

Linda is an active member of Kiwanis Club of Tempe, was elected its first female president in 1992 and helped to conceptualize Tempe's Fantasy of Lights Parade which now draws crowds of over 45,000 from the community. Linda is passionate when it comes to providing affordable housing in Tempe, a passion that led her to the boards of the Industrial Development Authority and Newtown Community Development Corporation. And if that is not enough, Linda's current endeavors includes raising money and awareness for the Tempe Community Foundation, which provides funding to meet the needs of all human service agencies serving Tempe residents.

Linda's activities should be viewed as those of a true community steward. Linda's commitment to our Tempe community truly embodies the spirit of Don Carlos and the humanitarian ideals that continue to make Tempe a great and desired place to call home. It is for these reasons that I join former Mayor Neil Guiliano, the Tempe Community Council, and Linda's family and friends in relaying a heartfelt ''thank you'' for your service and congratulate her on receiving this award.

CELEBRATING WARREN COUNTY, TENNESSEE'S BICENTENNIAL

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, I rise today to celebrate the 200th anniversary of the founding of Warren County, Tennessee. Nestled in the heart of the foothills of the Cumberland Plateau, Warren County is a proud piece of the Tennessee tradition.

Warren County takes its name from Major General Joseph Warren, a hero of the American Revolution who earned the rank of Major General and was killed in the battle of Bunker Hill. The County continued to serve as a staging ground for great historical moments through the Civil War, when General Forrest's brigade camped in Warren County before they launched an attack on the Federal Army that resulted in the capture of twelve hundred Union Soldiers, including a General.

But Warren County has far more to offer the State than its rich history alone. From the scenic beauty of Rock Island to the Highland Rim Classic bicycle race in McMinnville, Warren County has something for sportsmen and outdoorsmen alike. McMinnville, Morrison, Viola and Dibrell all make up the diverse landscape. Perhaps the best view of Warren County, however, comes from the annual ''boogie,'' or sky diving event that gives brave participants a unique perspective on this great Tennessee County.

Warren County is also home to the nursery capital of the world, McMinnville, Tennessee. McMinnville and all of Warren County's growers have made Tennessee proud for a number of years, marking McMinnville as a city known for being ''always in bloom.''

I am proud today to wish a happy bicentennial to the people of Warren County, and hope that they will continue to enjoy the blessings of their place in middle Tennessee for years to come.

IN HONOR OF THE MONTEREY COUNTY FILM COMMISSION

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. FARR. Madam Speaker, I rise today to honor the Monterey County Film Commission's 20th year of ''lights, camera, and economic action'' for Monterey County. It was created in 1987 by the Monterey County Board of Supervisors to increase local economic development through the film industry.

The film commission markets Monterey County to bring an economic boost to the area from film, video, and multimedia production. Its mission has expanded over the years as it also provides local educational programs on various aspects of the film industry's artistry, skills, and employment opportunities. It has also created a scholarship fund for students of filmmaking.

The film commission has helped attract and facilitate hundreds of movies, TV shows, commercials, documentaries, and still shoots, bringing in nearly $60 million to date to the local communities. There is also spin-off tourism value when local sites are shown in these products.

The film commission acts as a liaison between film productions and local governments and communities. It serves as a resource for information and guidelines on film procedures and filming on public and private property. It provides services including a location library, scouting assistance, and logistical referrals for crew, facilities, and support services. It markets the county's locations through tradeshows and sales trips, advertising and public relations, and film industry events.

The commission is a member of the Greater San Francisco Film Commissions, California Film Commission, and is affiliated with the Association of Film Commissioners International.

Madam Speaker, it gives me great pleasure to honor this group, and I know my fellow Members join me in congratulating them on 20 years of service to the community.

RECOGNIZING THE 50TH ANNIVERSARY OF THE SEPTEMBER 25, 1957, DESEGREGATION OF LITTLE ROCK CENTRAL HIGH SCHOOL BY THE LITTLE ROCK NINE

SPEECH OF

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mrs. BOYDA of Kansas. Mr. Speaker, I commend the House of Representatives for the passage of this important resolution to honor the Little Rock Nine. As a Kansan, I am proud to be a resident of one of the places where the road to justice began.

For Kansans, the story of the Little Rock Nine begins with the landmark Supreme Court decision Brown v. Board of Education. This case began in 1950 when 13 parents took their children to the schools in their neighborhoods for white children and attempted to enroll. All were refused admission, and for most, this meant traveling across town to attend the few available schools for African Americans. These courageous parents filed suit against the Topeka Board of Education on behalf of their 20 children.

When the parents agreed to become involved in the case, it's likely they never imagined they would change history in such a significant and meaningful way. The people who make up this story were ordinary—their story is anything but. Oliver Brown, who the case was later named after, was a Topeka minister who simply knew that it was not too much to ask that his country treat his children equally.

On May 17, 1954, the United States Supreme Court announced in *Brown* v. *Board of Education* (347 U.S. 483) that, ''in the field of education, the doctrine 'of separate but equal' has no place.'' The Court recognized the psychological effects of segregation and that separate is inherently unequal.

In 1957, 3 years after the Brown v. Board of Education decision, 9 brave students in Little Rock, Arkansas, continued the struggle that Oliver Brown and his daughter started. They endured a hostile school environment and a local government that was once again not supportive of their belief that equal treatment is a basic principle of a democratic society.

The story of Brown v. Board of Education is one of hope and courage. On this 50th anniversary of the Little Rock Nine, I am proud to take time to remember the contributions of students across the country—from Kansas to Arkansas—that fought for integration. I also hope that we can recommit ourselves to honoring the legacy that the Brown v. Board of Education decision left for us—to continue working to provide a world-class education for all children.

HONORING GREENHILLS SCHOOL FOR RECEIVING THE 2007 SCHOOLS OF DISTINCTION AWARD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. DINGELL. Madam Speaker, I rise today to congratulate Greenhills School for receiving the prestigious Intel Schools of Distinction award for 2007.

Chosen from almost 1,000 entries, this prestigious award is granted to only six schools nationwide each year. The award is designed to recognize those schools that demonstrate excellence in implementing innovative programs within their classrooms, specifically in the fields of math and science. The science faculty of Greenhills School has exemplified the spirit of the award, modernizing classroom labs to incorporate wireless computers. Their efforts educated students not only in the complex field of science, but also in technology's role as a laboratory instrument. In addition, they have demonstrated an enthusiasm to connect with all students in the school.

Greenhills School has always stood out as an exceptional place to learn. Located in Ann Arbor, it boasts the largest percentage of National Merit Semi-Finalists and AP Scholars of any school in the State of Michigan. With students averaging outstanding SAT and ACT scores, it is not surprising that 100 percent of Greenhills graduates enroll in college. This award is a testament not only to the science teachers of Greenhills School, but all of the 64 faculty members who work to provide students with one of the best educations in the country.

Science teachers Dr. James Lupton, Dr. Deano Smith, Thomas Friedlander, Catherine Renaud, Dee Lamphear, Martha Friedlander, Ann Novak, Chris Gleason, Deborah Jagers and Michael Wilson have all demonstrated an admirable passion and dedication that benefits over 500 students at Greenhills School. They deserve recognition for their exceptional achievement.

Madam Speaker, I ask that all of my colleagues join me in commending Greenhills School for their 2007 Schools of Distinction Award.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. LANGEVIN. Madam Speaker, on September 24, 2007, I was unavoidably detained while returning from committee business and unable to vote, I would like the record to reflect that, had I been present, I would have voted ''yea'' on rollcall vote Nos. 891, 892 and 893.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent yesterday afternoon, September 24, on very urgent business. Had I been present for the four votes which occurred yesterday evening: I would have voted ''Yea'' on H. Con. Res. 193, rollcall vote No. 891; I would have voted ''Yea'' on H. Res. 668, rollcall vote No. 892; I would have voted ''Yea'' on H.R. 1199, rollcall vote No. 893; I would have voted ''Yea'' on H. Res. 340, rollcall vote No. 894.

CONGRATULATING NEW EAGLE SCOUTS

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Ms. FALLIN. Madam Speaker, today I rise to honor and congratulate Merritt William Parham, Joseph Price Fallin III, Joseph Graham Wolfe, William Upton McClendon, and Samuel Johnson Rainbolt upon the recent attainment of their Eagle Scout rank.

Each one of these young men has exemplified what it means to be a leader to the Boy Scouts of America, the State of Oklahoma, and their country. Their service is one of the greatest contributions they can make to their peers and their community. These young men have carried out this honor with great professionalism and dignity.

Madam Speaker, on behalf of the entire House of Representatives, please join me in congratulating these outstanding young men in obtaining the highest rank of Eagle Scout.

RECOGNIZNG ALL HUNTERS ACROSS THE UNITED STATES FOR THEIR CONTINUED COMMITMENT TO SAFETY

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of this resolution recognizing hunters across the United States for their continued commitment to safety. Since State fish and game agencies began offering hunter safety programs in 1949, more than 35 million Americans have been certified through these programs.

Thanks to hunter education, hunting is safe and getting safer. Hunter education covers the skills, regulations and responsibilities of hunting, wildlife conservation and the outdoors. In my home State of Texas, mandatory hunter education became law in 1988. Texas Parks and Wildlife Department began offering voluntary hunter education courses long before that, however, in 1972, and has certified over 650,000 Texans. Every year, over 30,000 youth and adults in Texas become certified in hunter education.

Firearms-related accidents have declined sharply even as gun ownership in America is rising. More than half of all households now own firearms, yet accidental fatalities are at an all-time low—down 60 percent over the last 20 years. For decades, the firearms industry has emphasized education to ensure the safe and responsible use of its products. This effort and those by other organizations are why the shooting sports and hunting are rated among the safest forms of recreation. Some 40 million people of all ages safely participate in these activities.

I would also like to point out that in June, during the annual meeting of the International Hunter Education Association (IHEA), Heidi Rao of Houston was named Professional of the Year for providing outstanding service to IHEA and its mission. A hunter education training specialist with the Texas Parks and Wildlife Department since 1998, Mrs. Rao trains the general public to comply with the mandatory hunter education programs in southeast Texas. She also trains adults in hunter education programs, policies, and procedures and the general public in hunting safety and legal practices.

Again, I urge my colleagues to join me in supporting this resolution commending hunters for their continued commitment to safety.

TRIBUTE TO MR. PHIL RIZZUTO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. SERRANO. Madam Speaker, I rise today to honor the life of Phil Rizzuto, former New York Yankees shortstop and baseball game announcer, who died on August 13, 2007 at the age of 89. Popularly known as ''the Scooter,'' Mr. Rizzuto dazzled baseball fans with his spectacular bunts and defense and his dynamic style as a broadcaster.

Mr. Rizzuto was born on September 25,1917 and grew up in Brooklyn and Queens, New York, dreaming of one day playing professional baseball. He was eventually signed by the Yankees in 1937 as a free agent and played his first professional game in 1941.

After serving in the United States Navy during World War II, Mr. Rizzuto resumed playing for the Yankees in 1946, staying there through the end of his career in 1956. During this period, the Scooter played in five All-Star games, won the Hickok Belt in 1950, awarded to the top professional athlete of the year, and helped the Bronx Bombers win seven World Series championships with his clutch hitting abilities. Mr. Rizzuto's uniform number, 10, was retired by the Yankees on August 4, 1985.

In 1956, Mr. Rizzuto was hired as a television sports announcer for the Yankees, a position in which he would serve for the next forty years. He quickly became beloved as a quirky and witty announcer and for his intense affection for the Yankee organization. Mr. Rizzuto's energetic style and use of popular phrases such as "Holy Cow" and "Did you see that?" to describe an exciting play moved him from the category of popular announcer to that of broadcasting legend. He was an institution in the Bronx.

Phil Rizzuto was one of the true legends associated with the Yankees. People came to depend on hearing his voice calling the plays and often a little more. He was part of the rich tapestry of people and players that have come to define this great sports organization.

The New York Yankees have become synonymous with the community where they have played—the Bronx. They are part of the fabric of the community. Phil Rizzuto understood that special relationship. In return, he became an honorary son of the Bronx.

Mr. Rizzuto was truly a one-of-a-kind New Yorker and a Yankee legend. Although the Scooter is gone, he will certainly not be forgotten. I ask my colleagues to join me in paying tribute and bidding farewell to this baseball hero.

PERSONAL EXPLANATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. McHUGH. Madam Speaker, I was on a leave of absence for personal reasons on September 19 and 20. Consequently, I missed several rollcall votes. At this time, I wish to note that had I been present, I would have voted "yea" on rollcall No. 884, "yea" on rollcall No. 885, and "yea" on rollcall No. 890.

RECOGNIZING NATIONAL FOUNDATION FOR WOMEN LEGISLATORS AND OFFICE DEPOT

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Ms. WATSON. Madam Speaker, I would like to congratulate the National Foundation for Women Legislators for working to distribute thousands of backpacks filled with school supplies in every U.S. State and Puerto Rico.

These backpacks have been donated by Office Depot and are being distributed to at-risk and disadvantaged youth. As lawmakers we introduce and pass legislation every year that affects our Nation's youth. We talk about statistics and reading performance and free lunch programs, but we do not talk enough about ensuring that all students have the school supplies they need to perform both inside and out of the classroom.

Office Depot's National Backpack Program, now in its seventh year, is designed to make a difference in communities across the country and put backpacks in the hands of underprivileged and at-risk children so they have the tools they need to start the school year. Beginning in 2001 with 80,000 backpacks donated nationwide, the program has expanded to deliver 100,000 backpacks in 2002 and in 2003 and 2004, the program was increased to 200,000 backpacks containing school supplies. In 2005, the program grew to 300,000 backpacks with school supplies and finally, in 2006, 300,000 backpacks were again donated by Office Depot across North America and in Puerto Rico, totaling more than 1 million backpacks in the hands of children since the inception of the program.

Sadly, there are hundreds of thousands of children who cannot afford the basic supplies they need for school. This backpack initiative not only alleviates some of the financial burden from the many single-family households that are stretching their budget and have enough to worry about paying for food and bills, but it also allows their children to have the pride of being able to start the school year the right way.

I am proud to say that 1,000 backpacks will be delivered to the Bradley Elementary School in my home district. I ask all of my colleagues in this United States Congress to join me in recognizing the National Foundation for Women Legislators and their partnership with Office Depot, whose efforts to empower our children and provide them the tools they need to be successful in school and in life are to be commended.

EXPRESSING CONCERN ABOUT ADMINISTRATION'S SEPTEMBER 9, 2007 OIL DEAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. KUCINICH. Madam Speaker, I rise today to express deep concern about the administration's involvement in an oil deal announced on September 9, 2007, between the U.S. company Hunt Oil and the Kurdistan Regional Government. This oil deal appears to benefit a large Republican donor and ally of President Bush and Vice President CHENEY.

The recent oil deal between the U.S.-based Hunt Oil Company and the Kurdistan Regional Government raises numerous questions. Hunt Oil, a privately held oil company based in Texas, and its founder, Ray Hunt, have close ties to Vice President CHENEY and are large donors to President Bush. The deal appears to undercut the goal of oil revenue sharing but is predictably consistent with the administration's attempt to privatize Iraqi oil assets.

This war is about oil. The Bush administration desires private control of Iraqi oil, but we have no right to force Iraq to give up their oil. We have no right to set preconditions for Iraq which lead Iraq to giving up control of their oil. The constitution of Iraq designates that the oil of Iraq is the property of all Iraqi people.

The Administration has misled Congress and the media into thinking that pending Iraqi oil legislation before Iraq's Parliament was about the fair distribution of oil revenue. But the Hunt Oil deal with Kurdistan exposes the real intent of that legislation, promotion of a privatization scheme.

The Hunt Oil deal with Kurdistan suggests the war has made foreign access to Iraqi oil a reality. Because the connections between Hunt Oil Company and the Bush administration are numerous, I have asked the Committee on Oversight and Government Reform to investigate Hunt Oil's ties to the Bush Administration and Halliburton.

The contract between Hunt Oil and Kurdistan would be the first of its kind in the Middle East where oil has been nationalized for decades and foreign oil companies have had no presence. The lack of consensus on how to manage the Iraqi oil resources suggests that the Hunt Oil Company deal could lead to greater instability within Iraq.

I have sent a letter to Secretary of State Condoleezza Rice urging an immediate investigation into the implications of the Hunt Oil Company's recent production sharing agreement for petroleum exploration with Kurdistan on U.S. and Iraqi national security.

Congress should put a stop to the outrageous exploitation of a nation already in shambles due to U.S. intervention. I will soon introduce legislation to prevent all U.S. companies from gaining financial interests in Iraq's oil resources. I hope my colleagues will join me to ensure that the people of Iraq are not made to endure greater suffering and injustice that has already occurred because of this illegal and unjust war.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 18, 2007.

Hon. CONDOLEEZZA RICE,
Secretary of State, Department of State, Washington, DC.

DEAR SECRETARY RICE: To assure the national security of the U.S. and Iraq I urge an immediate investigation into Hunt Oil Company's recent production sharing agreement for petroleum exploration with Kurdistan. The Iraq Central Government reportedly considers this agreement illegitimate. As such, a thorough investigation assessing the threat posed by the agreement to U.S. and Iraqi national security interests should be conducted promptly.

The Constitution of Iraq designates that the oil of Iraq is the property of all Iraqi people. Thus, it is unsurprising that the Iraqi Central Government believes that the oil production sharing agreement between Hunt Oil Company and the Kurdistan Regional Government (KRG) is illegal. The agreement is reportedly based on oil law passed by the KRG and is the subject of much legal debate. The lack of consensus on how to manage the Iraqi oil resources suggest that the Hunt Oil Company deal could lead to greater instability within Iraq.

As you are undoubtedly aware, the contract between Hunt Oil and the KRG would be the first of its kind in the Middle East where oil has been nationalized for decades. Foreign oil companies have had no presence in the Middle East for decades. The legality

of this matter is of obvious importance to the people of Iraq who have a constitutional right to the oil resources of Iraq.

Furthermore, close ties between Hunt Oil Company and the Administration's top officials coupled with this precedent setting agreement appears morally debased. The following will assist in clarifying this connection: Ray Hunt, CEO of Hunt Oil Company, was twice appointed to a seat on the President's Foreign Intelligence Advisory Board (PFIAB). Mr. Hunt raised campaign funds for President George H.W. and George W. Bush. He also personally donated $20,000 to the Republican National Committee's Victory Fund for the current President Bush. Ray Hunt gave $100,000 toward the 2001 Bush inaugural festivities and one of his corporations, Hunt Consolidated, gave another $250,000 toward the Bush 2005 presidential inaugural gala. In addition, Ray Hunt donated $35 million toward the Bush library/think tank to secure additional property for the project.

This unmatched deal struck by the Hunt Oil Company coupled with the company's ties to the administration could be viewed as hostile to the interests of Iraq amidst growing knowledge of Iraqi opposition to privatization and sale of Iraq's national oil reserves.

Your investigation should address how the agreement will affect Iraqi public sentiment toward the Iraqi and U.S. governments, insurgent efforts, the stability of Iraq and the stated goals of U.S. policy to bring peace and stability to the region.

I look forward to your timely response and the conclusions of your investigation.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
September 18, 2007.

Chairman HENRY A. WAXMAN,
Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: I request that the Full Committee begin an investigation into the recently announced oil production sharing agreement between the Hunt Oil Company and the Kurdistan Regional Government (KRG). The recently announced agreement raises numerous concerns.

(I) Was the U.S. company Hunt Oil and its CEO, Ray Hunt, in entering into the agreement with the KRG, the beneficiary of a special relationship with the Bush administration? Have reported ties between Ray Hunt and the Bush administration led to special advocacy for Hunt Oil by the administration that resulted in the production sharing agreement with the KRG?

In 2002, Mr. Hunt acted as the finance chairman of the Republican National Committee for President Bush. Mr. Hunt led the Republican National Committee's Victory Fund for George W. Bush and personally donated $20,000 to the committee. Mr. Hunt contributed $100,000 toward inaugural festivities for President Bush in 2001, while Hunt Consolidated contributed $250,000 toward the 2005 Bush presidential inaugural gala. Mr. Hunt has also given generously toward construction of the Bush library by securing $35 million dollars in additional property for the endeavor.

Furthermore, Mr. Hunt has twice been appointed to a seat on the President's Foreign Intelligence Advisory Board (PFIAB); most recently in 2006. The PFIAB is said to have access to intelligence information that is not available to a majority of the members of Congress. There are experts who acknowledge that information accessible to Mr. Hunt through the PFIAB is advantageous to the international energy interest of the Hunt Oil Company.

It is also notable that Vice President Cheney, as the head of Halliburton, invited Mr. Ray Hunt to sit on the Halliburton Board of Directors.

(II) Was Kurdistan pressured into promulgating a new oil law and/or entering into production sharing agreement with Hunt Oil and perhaps other administration connected companies by elements of the U.S. government in Iraq?

It should be of great concern to all those who wish to see Iraq achieve self-sufficiency that the Iraqi Central Government is opposed to the agreement entered into by the Hunt Oil Company and the KRG. Iraq's oil minister, Hussain al-Shahristani, has said ''any oil deal has no standing as far as the government of Iraq is concerned. All these contracts have to be approved by the Federal Authority before they are legal. This (contract) was not presented for approval. It has no standing.''

(III) Does the Hunt Oil Company's deal with the KRG foretell of more such agreements in the future? If the KRG does plan to announce more production sharing agreements in the future what would be the consequences for any revenue sharing programs initiated by the Iraqi Central Government?

On numerous occasions President Bush has stated his support for a revenue sharing program in Iraq. On May 31, 2007, at a White House press conference President Bush stated, ''We're working very hard, for example, on getting an oil law with an oil revenue-sharing code that will help unite the country.'' On August 9, 2007, at another White House press briefing, Mr. Bush stated, ''People say we need an oil revenue sharing law. I agree with that, that needs to be codified.''

While many have pointed out that the oil law that President Bush has supported is primarily a privatization bill, nevertheless is not the announcement between Hunt Oil and the KRG undermining the alleged purpose of the Iraqi oil law? Is this not at odds with President Bush's stated goal of revenue sharing? Supposedly the U.S. is in favor of an Iraqi oil revenue sharing program, but will the Hunt Oil agreement with the KRG contribute to or undermine a revenue sharing program in Iraq?

It is hard to imagine that in Iraq there is any matter more controversial than oil. So long as the U.S. occupies Iraq, it is hard to imagine that there can be anything more damaging to the United States' world reputation than the awarding of oil agreements to Bush administration cronies.

In light of the Full Committee's excellent past work on Halliburton, I strongly recommend that the Full Committee ascertain the relationships between the Hunt Oil Company, the Bush administration and the KRG that resulted in the September 9, 2007 announcement of the oil production sharing agreement.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, September 24, 2007, I was unable to cast my votes on H. Con. Res. 193, H. Res. 668, H.R. 1199, and H. Res. 340 and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 891 on suspending the rules and passing H. Con. Res. 193, recognizing all hunters across the United States for their continued commitment to safety, I would have voted "aye."

Had I been present for rollcall No. 892 on suspending the rules and passing H. Res. 668, recognizing the 50th anniversary of the September 25, 1957, desegregation of Little Rock Central High School by the Little Rock Nine, I would have voted "aye."

Had I been present for rollcall No. 893 on suspending the rules and passing H.R. 1199, the Drug Endangered Children Act, I would have voted "aye."

Had I been present for rollcall No. 894 on suspending the rules and passing H. Res. 340, expressing the sense of the House of Representatives of the importance of providing a voice for the many victims, and families of victims, involved in missing persons cases and unidentified human remains cases, I would have voted "aye."

RECOGNIZING THE SOUTHAMPTON FIRE COMPANY NO. 1 AND THE TRI-HAMPTON RESCUE SQUAD

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I would like to take this opportunity to recognize the Southampton Fire Company No. 1 and the Tri-Hampton Rescue Squad for their outstanding service and dedication to protecting our community. Everyday, they willingly and selflessly risk their lives to protect our families, friends and neighbors. They set an example with their inspiring courage and devotion and their sacrifice deserves our sincerest thanks and utmost respect.

Madam Speaker, as the son of a former Philadelphia police officer, I know how hard America's first responders work to keep our cities and towns safe. They bravely face considerable danger and peril for the safety of families across our community. As their proud representatives, we ought to be just as committed to providing our first responders with the tools they need to do their jobs. True homeland security means supporting those who keep our families safe.

Madam Speaker, the members of the Southampton Fire Company No. 1 and the Tri-Hampton Rescue Squad serve tirelessly to protect our community and we should do everything possible to give them the support they need to keep us safe.

TRIBUTE TO MARIA LORENSON, LAURA SMITH, AND BARBARA PICHOT

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mrs. CAPITO. Madam Speaker, I rise today to honor Maria Lorenson, Laura Smith, and Barbara Pichot who are being honored by the Girl Scouts Shawnee Division as the 2007 Women of Distinction.

These three ladies are being honored for their career accomplishments and leadership that have made them role models for young women in their communities. The Girl Scouts Shawnee Council honors three women annually from the Eastern Panhandle.

The first honoree, Maria Lorenson, is being recognized for her role as editor-in-chief with the Martinsburg Journal. She has received various awards and honors in her 11 years with the Martinsburg Journal from the West Virginia Press Association. Maria is credited for balancing her career with her role as a wife, mother, and community leader.

Laura Smith of Morgan County is being honored for her many leadership roles in her community. She is currently the president of the Morgan County Board of Education. She has worked to promote the beauty of Morgan County through her work with Travel Berkeley Springs and as board member of George Washington Heritage Trail. She is also an active member of her church, St. Marks Episcopal Church.

The final recipient of the 2007 Women of Distinction award is Barbara Pichot. At a time when many women were not entering the field of business, Barbara was a trailblazer and eventually became a partner in the accounting firm Cox, Nichols and Hollida until her retirement. She now dedicates herself to volunteer endeavors including Rotary, United Way, and is responsible for the development of Hospice of the Panhandle.

It is an honor to represent these three outstanding women who serve as strong leaders and excellent role models for young women in their communities. Congratulations to Maria Lorenson, Laura Smith, and Barbara Pichot as the 2007 Women of Distinction.

TRIBUTE TO REVEREND WILLIAM H. WATSON

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. PAYNE. Madam Speaker, I rise today in memory of Reverend William H. Watson, who was a long-time social activist and resident of Newark, NJ. His passion for social justice led him to direct many social service organizations within my district and the northeast coast of the United States.

Born on September 23, 1934, in Memphis, Tennessee, Rev. Watson always exhibited a passion for helping others. After ordination in the Central Pennsylvania Annual Conference of the United Methodist Church, Bill served a couple of churches in North-Central Pennsylvania and served as Campus Minister at Penn State University.

Rev. Watson served respectively as the Executive Director of Voice a church based organization supporting community organization in northeastern Pennsylvania and as Director of the Social Concerns Department of the Capitol Region Conferences of Churches in Hartford, Connecticut.

Later in life, Rev. Watson worked at Unified Vailsburg Service Organization (UVSO) in Newark, NJ—a neighborhood based human services and community development agency founded by local residents in 1972 to "create a stable and compassionate community" by bringing together representatives of various local groups in an attempt to solve some of the neighborhood problem. Rev. Watson worked as a community organizer dealing with issues of crime, education, and housing.

Reverend Watson also served as a VISTA Volunteer with the Newark Tenants organization; a member of the Board of Directors of Inside-Out: Citizens United for Prison Reform, Inc.; member of the Northeast Inter-Help Council which deals with social justice issues and ecology, and a founding member secretary of the Board of Directors of the Family Partnership Committee, and Hartford Area Habitat for Humanity.

Madam Speaker, I invite my colleagues here in the United States House of Representatives to join me in honoring Reverend William H. Watson, whose spirit lives on through lives he touched and work he accomplished while on earth. I am proud to have had him in my Congressional district.

IN HONOR OF THE 50TH ANNIVERSARY OF THE COMPLETION OF THE MONTICELLO DAM

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mrs. TAUSCHER. Madam Speaker, I rise with the support of my colleagues, Hon. GEORGE MILLER and Hon. MIKE THOMPSON to recognize the 50th anniversary of the completion of the Monticello Dam. This monumental accomplishment has been instrumental in providing the people of Solano County with a vast supply of high quality water.

Completed in October of 1957 as part of the Solano Project, the Monticello Dam rises 304 feet high spanning a gorge of 1,023 feet while storing 1.6 million acre feet of water. The Monticello Dam created Lake Berryessa and is one of the largest reservoirs in the State of California.

The Monticello Dam is owned by the United States Bureau of Reclamation but is operated and maintained locally by the Solano County Water Agency.

Through the management of the Monticello Dam, the Solano County Water Agency is able to provide 200,000 acre feet per year of high quality and dependable water. This supply amounts to about two-thirds of the total water use of Solano County. The Solano Project serves a growing population of about 350,000 people in the cities of Vacaville, Fairfield, Suisun City and Vallejo. Additionally the Solano Project serves about 80,000 acres of irrigated farmland by providing agricultural water to the Solano Irrigation District and the Maine Prairie Water District.

In addition to serving the water needs of our communities the Monticello Dam has additional local benefits. The Dam created Lake Berryessa, 23 miles long and 3 miles wide with 165 miles of shoreline that offers year-round recreational opportunities.

The river downstream of the Dam, known as Lower Putah Creek, provides a valuable fish and wildlife area on the border of Yolo and Solano Counties. Community groups such as the Lower Putah Creek Coordinating Committee are involved in creek restoration planning. This committee, made up of Yolo and Solano representatives, oversees stream restoration projects that enhance the natural setting.

We wish to commend the Solano County Water Agency for 50 years of outstanding management of the Monticello Dam and recognize its essential contribution to the quality of life in the region.

SUPPORTING THE GOALS AND IDEALS OF GOLD STAR MOTHERS DAY

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in honor of those American mothers who have lost children in the service of our country. As a cosponsor of H. Res. 605, I strongly support this resolution to recognize their great sacrifice and suffering.

The Gold Star Mothers Club was formed in the United States to provide support for mothers that lost sons or daughters in war. The name came from the custom of families of servicemen hanging a banner called a Service Flag in the window of their homes. The Service Flag had a star for each family member in the military. Living servicemen were represented by a blue star, and those who had lost their lives were represented by a gold star. Today, membership in the Gold Star Mothers is open to any American woman who has lost a son or daughter in service to the United States. On the last Sunday in September, Gold Star Mother's Day is observed in the U.S. in their honor.

American Gold Star Mothers is a nationwide organization first incorporated in the District of Columbia in 1929 after years of effort by the mother of a deceased airman fighting in World War I. In the years following, the organization has grown to include members and chapters across the country.

The responsibility of motherhood is vast and as our mothers raise their children, they do so with great hope. This hope does not involve losing a child to war but raising a son or daughter that strives to change the world for the better. This bill acknowledges that those mothers have succeeded in that goal and we, too, recognize the ultimate sacrifice their children have made. H. Res. 605 supports the Gold Star Mothers and ensures that their sacrifice and that of their children will not be forgotten.

Mr. Speaker, again, I rise in strong support of H. Res. 605 and urge my colleagues to join me in supporting its passage.

TRIBUTE TO MR. ALEX RODRIGUEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. SERRANO. Madam Speaker, I rise today to pay tribute to Mr. Alex Rodriguez, who, on August 4, 2007, made history by becoming the youngest baseball player to hit 500

home runs. Lovingly mown to baseball fans throughout the world as ''A-Rod,'' Mr. Rodriguez exemplifies the great contributions Dominican-Americans continue to make to this Nation.

Born in New York, and raised in Miami, Mr. Rodriguez displayed his baseball talents early in life. He attended Miami's Westminster Christian High School, which went on to win the national baseball championship his junior year. During that time, he earned several prestigious awards, including USA Baseball Junior Player of the Year and Gatorade's National Student-Athlete of the Year. Mr. Rodriguez was also the first high-school player to try out for Team USA in 1993.

Today, Mr. Rodriguez is considered one of the best baseball players of all time. Proudly wearing #13 for my beloved New York Yankees, Mr. Rodriguez has become a legend to all prospective baseball players and fans. He has earned two American League Most Valuable Player (MVP) awards and has accomplished several noteworthy feats. For example, among all baseball players at the age of 30, Mr. Rodriguez ranks first in both home runs and runs scored, third in runs batted in (RBIs) and fourth in hits compared to other players at that point in their careers. Mr. Rodriguez also shares the record for most home runs in one month, hitting fourteen in April 2007. Mr. Rodriguez is also the third member of the exclusive 40–40 Club, composed of baseball players who accumulate a total of both 40 home runs and 40 stolen bases in a single season. These are just a few of the many accomplishments of this legendary baseball player.

Off the baseball field, Mr. Rodriguez is actively involved in his communities, from Miami to New York to the land of his parents, the Dominican Republic. For example, in 1998, he established the Alex Rodriguez Evening Benefit for the All Stars, which, up to this point, has raised more than half a million dollars for the Boys and Girls Club of Miami. In 2003, Mr. Rodriguez donated $3.9 million to the University of Miami to remodel the university's baseball stadium and to provide scholarships to deserving students. In 2005, Mr. Rodriguez donated $200,000 to the Children's Aid Society in New York and $50,000 to the Dominican Republic branch of UNICEF, which fully funded five day-care centers outside of Santo Domingo for 1 year. These are only a handful of the many ways in which Mr. Rodriguez contributes to the development and success of our communities.

Madam Speaker, A-Rod is truly a shining star and a role model to us all both on and off the baseball field. I will continue to cheer him on as he breaks more records on his way to greatness. I ask my colleagues to join me in paying tribute to this fine athlete on the occasion of his 500th home run.

INTRODUCTION OF THE FOREWARN ACT OF 2007

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. McHUGH. Madam Speaker, I rise today to introduce the Forewarn Act of 2007, which is designed to help American workers by improving the Worker Adjustment and Retraining Notification (WARN) Act (P.L. 100–379).

The WARN Act became effective nearly two decades ago in February 1989. Very simply, Congress rightly decided that it was good policy to ensure that workers receive 60 days advance notice of mass lay-offs and closures to facilitate their efforts to find a new job, obtain retraining, or otherwise prepare for the consequences of their employer's decision. Likewise, through the WARN Act, Congress required that the same 60-day notice be provided to state dislocated worker entities and the chief elected official of the pertinent local government to enhance their ability to respond to the situation and provide effective assistance.

I had the occasion to thoroughly review the WARN Act earlier this year when the General Motors (GM) Corporation unfortunately decided to phase out 500 jobs and close its Powertrain facility in Massena, New York, which I represent. As I have mentioned previously, it is difficult to overstate how important the plant's $31 million annual payroll was to the local economy and how devastating GM's decision was to its employees, their families, and the residents of St. Lawrence and Franklin counties.

Despite the magnitude of this decision's impact upon my constituents, GM did not provide me with any advance notice. In fairness to GM, there was no legal requirement under the WARN Act that GM provide me with such notice, which I found to be unfortunate as it limits and even precludes opportunities to attempt to provide any and all assistance that could possibly prevent a closure or mass lay-off and the corresponding loss of jobs. In the event that the closure or mass lay-off is unavoidable, adequate advance notice allows elected representatives to begin taking actions to assist the individuals and community as they transition.

Accordingly, the Forewarn Act would expand the WARN Act's notice requirements to include the U.S. Senators and Representatives, as well as state senators and representatives who represent the area in which the facility is located. In addition, the Forewarn Act would require that notice be provided to the affected state's governor, as well as to the U.S. Secretary of Labor. As the intent of this notice is to allow elected officials to attempt to provide assistance, the amount of notice would be expanded from 60 to 90 days.

Additionally, the Forewarn Act would also increase the notice requirement for employers with 50 or more employees to 90 calendar days. By doing so, the Forewarn Act would enhance employees' ability to adjust to their change in job status. The Forewarn Act would also redefine mass lay-off to cover lay-offs of at least 25 employees who account for one-third of an employer's workforce or mass lay-offs of at least 100 employees.

To ensure compliance, the Forewarn Act would increase the back pay penalty; workers would receive 2 days pay multiplied by the number of calendar days short of 90 that the employer gives notice. Likewise, the Forewarn Act would allow the U.S. Secretary of Labor or the appropriate state attorney general to bring a civil action on behalf of employees and require the Secretary of Labor to provide educational materials concerning employees' rights and employer responsibilities.

It has been nearly two decades since the WARN Act was enacted. In that time, our nation's economy has changed markedly as U.S. firms have restructured their operations to adjust to an increasingly competitive global marketplace. It is time to revisit and retool the WARN Act, and with the introduction of the Forewarn Act, I invite my colleagues to join with me in doing so.

HONORING FORMER CONGRESSMAN CHARLES VANIK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. STARK. Madam Speaker, I rise today to join Congressman KLEIN in support of a resolution honoring former Congressman Charles Vanik. Charlie was a dedicated public servant and a great man. From 1955 to 1981, he served the people of northern Ohio with distinction and is an exemplary example for those of us in public office of what it means to be a true representative of the people.

It is hard to say whether Charlie was best known for his signature black suits and bowties or his sponsorship of the now famous Jackson-Vanik amendment to the 1974 Trade Reform Bill. The former made him instantly recognizable throughout northern Ohio and in the corridors of Capitol Hill. The latter, which tied the former Soviet Union's trade status to whether it freely allowed Jewish emigration, allowed thousands of families to escape religious persecution. I personally will always remember Charlie for his strong work ethic and his tireless defense of the American working and middle class.

Charlie spent his 26 years in Congress pursuing policies that gave the American people opportunities to achieve their dreams and rejecting those that allowed corporations to dodge taxes and shirk their responsibilities to their employees. He was so adamant about representing the people instead of interest groups that, after winning reelection in 1970, he vowed to never accept campaign contributions again. Charlie was beholden to no one for his congressional seat except the people of northern Ohio, and it showed in his politics. He returned to Washington time and time again not because of his ability to fundraise, but because of his ability to pass meaningful legislation. Some of his greatest victories included: the section 13 summer school lunch program, the predecessor amendment to the Americans with Disabilities Act, Great Lakes pollution clean-up, a Cuyahoga Valley National Park, the original CAFE legislation, tax reform measures and Social Security and Medicare improvements.

When Charlie passed away late last month, the United States lost one of its greatest leaders. However, Charlie's legacy can be seen in the 110th Congress as we continue to protect our delicate environment for future generations, guarantee all of our Nation's children receive the care they need, and ensure that all people receive adequate healthcare and can retire with security. As one of his former staffers—and later one of mine—Bill Vaughan, recently wrote, ''Like his black suit and bowtie, Mr. Vanik was a classic.'' Charlie was a one-of-a kind leader and I hope today's generation of members can learn from his steadfast pursuit of policies that helped everybody in our Nation achieve the American Dream.

IRAN COUNTER-PROLIFERATION ACT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HOYER. Madam Speaker, I urge my colleagues on both sides of the aisle to support this important, bipartisan legislation—the Iran Counter-Proliferation Act of 2007—which has more than 300 cosponsors.

This bill would greatly strengthen the existing sanctions regime and propose new diplomatic strategies with respect to Iran, which continues to pursue its nuclear agenda in defiance of U.N. sanctions and international pressure.

Let us be clear: The Government of Iran—which is recognized as a state sponsor of terrorism by our State Department and which supports terrorist groups such as Hezbollah—believes it can exploit international irresolution. We must not allow it to do so.

It goes without saying that a nuclear-armed Iran constitutes a threat to the national security interests of the United States, as well as the peace and security of the international community. And, we cannot overlook the serious questions raised about Iran's efforts to exploit the civil war in Iraq to its advantage or intelligence information related to its arming of Iraqi insurgents.

Our concerns are only heightened by the inflammatory and irresponsible statements of Iran's president, Mahmoud Ahmadinejad, who has stated his hope for a "world without America" and his desire "to wipe Israel off the map."

Let me say, Ahmadinejad's comments yesterday at Columbia University in New York only confirm the view that he is a dangerous menace, who spins loathsome propaganda while denying that the Holocaust occurred, threatening Israel, and repressing his own people.

I believe the international community must stand as one against Iran, an international lawbreaker whose record of deceit and belligerence leaves no doubt as to its motivations.

Thus, I believe this legislation is an important step forward in demonstrating our bipartisan resolve to address the serious security concerns posed by Iran.

Nothing in this act authorizes the use of force against Iran. However, it would support diplomatic and economic means to resolve the Iranian nuclear problem, and calls for enhanced U.N. Security Council efforts to respond to Iran's defiance.

Furthermore, the bill amends the Iran Sanctions Act to remove the President's waiver on sanctions, and expands the types of investments subject to sanctions. It reforms our commercial relationship with this rogue regime by limiting the export of U.S. items to Iran and by prohibiting all imports.

Among other things, the bill also prevents U.S. subsidiaries of foreign oil companies that invest in Iran's oil sector from receiving U.S. tax benefits for oil and gas exploration, and prevents nuclear cooperation between the United States and any country that provides nuclear assistance in Iran.

Madam Speaker, I urge all of my colleagues on both sides of the aisle to support this important bipartisan bill.

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HONDA. Madam Speaker, on Monday August 24, I was unavoidably detained due to official business in New York and was not present for a number of rollcall votes.

Had I been present I would have voted:

"Yea" on rollcall 891, H. Con. Res. 193, recognizing all hunters across the United States for their continued commitment to safety.

"Yea" on rollcall 892, H. Res. 668, recognizing the 50th anniversary of the September 25, 1957, desegregation of Little Rock Central High School by the Little Rock Nine.

"Yea" on rollcall 893, H.R. 1199, to extend the grant program for drug-endangered children.

"Yea" on rollcall 894, H. Res. 340, expressing the sense of the House of Representatives of the importance of providing a voice for the many victims (and families of victims) involved in missing persons cases and unidentified human remains cases.

HONORING THE GENEROUS CONTRIBUTION OF EL PASOAN PAUL L. FOSTER TO TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. REYES. Madam Speaker, it is with great honor that I rise to recognize Mr. Paul L. Foster, the president and CEO of Western Refining Inc. of El Paso, who, with a strong desire to give back to the El Paso community, donated $50 million to the Texas Tech University Health Sciences Center. That's right, Madam Speaker—$50 million of his own money.

Foster's selfless contribution, the largest donation given to Texas Tech by an individual in the history of the university, will allow for great advances in border health issues research and various other health care initiatives. The gift will support the recruitment of staff members, finance faculty salaries, and purchase necessary medical equipment. In acknowledgment of his donation, the university named El Paso's 4-year medical school the "Paul L. Foster School of Medicine." Unique to the area, it is the first medical school on the U.S.-Mexico border and only the second new medical institution created in the U.S. in the last 25 years. Although a medical school of such stature and prestige has been greatly needed for the El Paso community for some time, it is now becoming a reality, in part due to Mr. Foster's assistance.

The Paul F. Foster School holds many prospects for medical science and healthcare. Increased specialized physicians coupled with superior medical equipment will allow for substantial economic growth in the El Paso region along with quality health care for my constituents. It will also provide greater incentives for researchers to come to the area and learn about and help solve health issues unique to the U.S.-Mexico border.

A 1979 Baylor University graduate, Foster founded Western Refining Inc. in 1997, which is currently the Nation's fourth largest publicly traded independent oil refinery. Despite his tremendous success, Paul remains modest, humble, and connected to our local community. The magnitude of his generous gift will be felt for generations, yet in typical fashion he seeks none of the attention that such a gift merits.

I have always believed it is critically important that we continue to pave the way for greater healthcare infrastructure in El Paso and along the U.S.-Mexico border, and the 4-year medical school can serve as the cornerstone in this effort. This vision, this dream, is one step closer with the huge charitable contribution of Paul Foster.

As the Paul L. Foster School of Medicine pays tribute to this remarkable philanthropist, I would like to do the same. His contribution to the Texas Tech University Health Sciences Center will prove extremely beneficial to the El Paso community and to aspiring doctors and nurses in our region.

IN HONOR OF THE CARMEL WRITERS FESTIVAL

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. FARR. Madam Speaker, I rise today to honor the inaugural Writer's Festival in my hometown of Carmel, California. As co-chair of the Congressional Travel and Tourism Caucus, I would like to commend the organizers, Jim and Cindy McGillen, for their efforts to initiate the first ever Carmel Authors & Ideas Festival, which will take place at the Sunset Center in Carmel on September 28–30 this year.

Inspired by the Sun Valley Writers' Conference, the format of the festival is to be a combination of talks by well-known authors and break-out sessions with lesser-known writers, allowing attendees to interact with them on an informal basis. The first line-up of authors includes Frank McCourt, "Angela's Ashes"; Doris Kearns Goodwin, historian; John Grogan, "Marley and Me"; Douglas Brinkley, editor of "The Regan Diaries"; Seymour Hersh, investigative reporter; Irshad Manji, critic of radical Islam; and Elizabeth Edwards, "Saving Graces." In all, 25 award winning authors will be present, including Pulitzer Prize and Nobel Prize winners, and New York Times Best Sellers.

Carmel Mayor Sue McCloud said of the festival, "It's certainly in keeping with our history as a writers' haven and artists' haven." Boutique conferences like this one are a good match for the community which is known for its non-traditional approach to literature and poetry. McGillen has sought out authors who are interesting, compelling, and entertaining.

Madam Speaker, this festival promises to be an exciting new addition to the lineup of high quality cultural events enjoyed year-round in California's 17th District, and I am proud to represent them in the U.S. Congress.

CONGRATULATING PASQUALE ''PAT'' BANGOR UPON BEING NAMED ''PERSON OF THE YEAR'' BY THE LUZERNE COUNTY ITALIAN AMERICAN ASSOCIATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Pasquale ''Pat'' Bangor, of Hazleton, Luzerne County, Pennsylvania, who was named ''Person of the Year'' by the Italian American Association of Luzerne County.

Mr. Bangor is a son of the late Neil and Phyllis Cerullo Bangor. He has two sisters, Camella O'Donnell and the late Rose Realo and one brother, John.

He was married to Dorothy Gutosky Bangor for 30 years until her death in 1983. He has been married to Vanda Molinaro Bangor for the past 21 years.

Mr. Bangor has three daughters: Patricia Conahan, Carol Ann Brown and the late Jacqueline Cardillo. He also has three stepdaughters: Rose Esposito, Wanda Rosenbaum and Lydia Hunsinger. He is also blessed with grandchildren, step-grandchildren and great grandchildren.

A graduate of Hazleton High School in 1946; he served in the United States Army during the Korean Conflict. Following his military service, he was a self employed printer in the Hazleton area for more than 40 years.

In retirement, Mr. Bangor has remained active by driving a school bus for special needs children in the Hazleton Area School District and working part-time at a local carpet store.

He has been an active member of Our Lady of Grace Church in Hazleton all his life and has served on the church's financial council.

Mr. Bangor was a member of the Hazleton Elks Club for several years and has been an active and dedicated member of the Italian American Association of Luzerne County where he served many years on its board of directors.

Mr. and Mrs. Bangor spend much of their time with their children and grandchildren. They also enjoy dancing and world travel.

Madam Speaker, please join me in congratulating Pat Bangor on this auspicious occasion. Mr. Bangor is a shining example of a family and community minded citizen whose contributions of time and energy has improved the quality of life for all whose lives he has touched.

CONGRATULATING THE STAFF OF THE JOINT SERVICE EXPLOSIVE ORDNANCE DISPOSAL PROGRAM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HOYER. Madam Speaker, I rise to offer my congratulations to the staff of the Joint Service Explosive Ordnance Disposal, EOD, Program, which today marks the delivery of the 1000th EOD Man Transportable Robot System, MTRS, to our military. This significant milestone is a testament to the highly skilled, top notch workforce marking this accomplishment today at the Naval EOD Technology Division.

The MTRS is a two-man portable robotic system used in both peacetime and wartime operations by EOD technicians to perform remote reconnaissance of unexploded ordnance and improvised explosive device, IED, incident sites. These EOD Robots are keeping EOD technicians alive and are mitigating the effects of emplaced IEDs and unexploded ordnance encountered in a wide variety of operational environments around the world. By using replaceable robots, EOD operators can effectively conduct and complete highly hazardous missions while remaining in a protected position, minimizing human exposure and time-on-target.

While no machine can replace a trained EOD technician, EOD personnel have embraced the ability of these robots to assist them in carrying out their important mission. Indeed, because of these robots, many of our EOD technicians have significantly reduced or avoided serious risk to themselves and their colleagues in military service.

We owe a great debt of gratitude to the brave men and women willing to risk their own lives for this Nation by serving in our active military forces. While we can never fully repay that debt, we can demonstrate our gratitude by providing our military forces with advanced technology to ensure their safe return to their loved ones. Those responsible for delivering MTRS have been working to do just this.

Madam Speaker, I ask that all Members join me in congratulating this outstanding Navy team as they celebrate the successful delivery of the 1000th Man Transportable Robot System to our deployed military forces.

THE MERCENARY TRAINING CONTROL ACT (SEPTEMBER 19, 2007)

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. FILNER. Madam Speaker, I rise today to introduce legislation (H.R. 3649) that would require mercenary training be conducted only on property owned by the Federal Government.

As you may know, Blackwater USA, a private military security contractor, already operates two private military-style training facilities: one in Moyock, North Carolina and the other in Mount Carroll, Illinois. Blackwater USA is also seeking to open a third facility in Potrero, California.

It is outrageous to allow private individuals or corporations to establish private military bases anywhere in the United States! The military-style training conducted at these facilities has no place in our backyards.

The Federal Government and U.S. military have also become too reliant on these private security contractors, especially in Iraq and Afghanistan. We must stop this trend!

However, in the meantime, my bill will take the modest step of requiring government contractors, like Blackwater USA, to train only on property owned by the Federal Government, such as our military bases.

NATIONAL HUNTING AND FISHING DAY

SPEECH OF

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 24, 2007

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of this resolution. On National Hunting and Fishing Day, we celebrate the remarkable progress we have made in conserving our environment and recognize those who have worked to conserve our natural resources.

Dating back to President Theodore Roosevelt, early conservationists called for the first laws restricting the commercial slaughter of wildlife. They urged sustainable use of fish and game, created hunting and fishing licenses, and lobbied for taxes on sporting equipment to provide funds for State conservation agencies. These actions were the foundation of the North American wildlife conservation model, a science-based, user-pay system that would foster the most dramatic conservation successes of all time.

America's hunters and anglers represent the great spirit of our country and are among our Nation's foremost conservationists. These citizens have worked to protect habitat and restore fish and wildlife populations. They volunteer their time, talents, and energy to countless conservation projects, because they recognize the importance of maintaining the natural abundance of our country for future generations.

Americans are blessed to live amid many wonders of nature, and we have a responsibility to be good stewards of the land. I commend all who advance conservation and help our citizens enjoy the benefits of our environment. These efforts ensure that our national heritage remains a source of pride for our citizens, our communities, and our Nation.

As an avid hunter and member of the Congressional Sportsman's Caucus, I appreciate the efforts hunters, conservationists, scientists, and others have taken to manage wildlife and conservation of our natural environment. I commend these efforts and I urge my colleagues to join me in supporting H. Res. 634.

SAUDI LAWSUIT AGAINST THE PUBLISHERS OF THE BOOK ALMS FOR JIHAD

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. WOLF. Madam Speaker, I rise today to bring attention to the book Alms for Jihad, coauthored by J. Millard Burr and Robert O. Collins. This seminal work details the use of Islamic charities to fund terrorist activity around the world.

The book's publisher, Cambridge University Press, agreed to pulp all unsold copies of ''Alms for Jihad'' in the face of a defamation lawsuit by Saudi billionaire Sheikh Khalid bin Mahfouz. The publisher also sent letters to 280 libraries around the world, asking them to insert an erratum slip or withdraw the book from their shelves. Since March 2002, bin

Mahfouz has sued or threatened to sue at least 36 times against individuals in England who have linked bin Mahfouz to terrorist financing and activities.

''Alms for Jihad'' reaches back into history, particularly into Sudan where much of the activities of fundamentalist Islamist groups found their origins, and traces them to the modern-day struggle against extremist forces around the world. We cannot understand the current war on terror, which extends far beyond the terrible events of September 11, without examining the chronology and details of this issue.

I have enclosed the author's response to the lawsuit, and encourage our colleagues to obtain and read this important book.

SAUDI BILLIONAIRE VS. CAMBRIDGE UNIVERSITY PRESS: NO CONTEST

On 3 April 2007 Kevin Taylor, Intellectual Property Manager for the Cambridge University Press (CUP), contacted Millard Burr and myself that the solicitors for Shaykh Khalid bin Mahfouz, Kendall Freeman, had informed CUP of eleven ''allegations of defamation'' in our book Alms for Jihad: Charities and Terrorism in the Islamic World and requested a response. On 20 April CUP received our seventeen page ''robust defence'', but it soon became apparent that CUP had decided not to defend Alms for Jihad given ''knowledge of claims from previous litigation'' and that ''the top-line allegations of defamation made against us by bin Mahfouz are sustainable and cannot be successfully defended . . . certainly not in the English courts, which is where the current action arises.'' Of the eleven points of alleged defamation ''we [CUP] could defend ourselves against some of his individual allegations . . . which, as you say could hardly be deemed defamatory on its own,'' but on pp. 51–52 where you use the phrase '' 'The twenty supporters of Al Qaeda' followed by the Golden Chain references . . . is defamatory of him under English law.'' The Golden Chain was a list of twenty wealthy Saudi donors to al-Qa'ida which included the name ''Mahfouz'' on a computer disk seized during a raid by the Bosnian police and U.S. security agents of the Sarajevo office of the Saudi charity, the Benevolent International Foundation (Bosanska Idealna Futura, BIF).

On 9 May 2007 CUP agreed to virtually all of the Shaykh's demands to stop sale of the book, destroy all ''existing copies,'' prepare a letter of apology, and make a ''payment to charity'' for damages and contribute to legal costs. After further negotiations the press also agreed, on 20 June 2007, to request 280 libraries around the world to withdraw the book or insert an erratum slip. During these three months of negotiations Millard and I had naively assumed that, as authors, we were automatically a party to any settlement but were now informed we ''are out of jurisdiction'' so that CUP had to ask ''whether of not they [the authors] wish to join in any settlement with your client [Mahfouz].'' On 30 July 2007 Mr. Justice Eady in the London High Court accepted the abject surrender of CUP which promptly pulped 2,340 existing copies of Alms for Jihad, sent letters to the relevant libraries to do the same or insert an errata sheet, issued a public apology, and paid costs and damages.

The crux of this sordid and sorry saga lies firmly in the existing English libel law which is very narrow and restrictive compared to its counterpart in the United States with a long history and precedent of ''good faith'' protected by the First Amendment, absent in English jurisprudence. In effect, CUP was not prepared to embark on a long and very expensive litigation it could not possibly win under English libel law in the English High Court, known to journalists the ''Club Med for Libel Tourists.'' Laurence Harris of Kendall Freeman was quite candid. ''Our client [Shaykh] Mahfouz chose to complain to Cambridge University Press about the book because the book was published in this jurisdiction by them'' where he had previously threatened to ''sue some 36 U.S. and U.K. publishers and authors'' and in which Shaykh Mahfouz had previously won three suits for the same charges of his alleged financing of terrorism. Even Justice Eady's pious pronouncements about ''the importance of freedom of speech'' were of little relevance before the weight, or lack thereof, in English libel law he rigorously enforced.

This was the first time that Shaykh Mahfouz had brought suit only against the publisher that did not include the authors, for ''our client [Shaykh Mahfouz] took the view that they [CUP] were likely to deal with his complaint sensibly and quickly, which they did,'' rather than include the authors who would not. As American authors residing in the U.S., we were ''out of jurisdiction'' and under the protection of the U.S. Courts, specifically the unanimous ruling by the Second U.S. Circuit Court of Appeals in June 2007 that Dr. Rachel Ehrenfeld could challenge in a U.S. Court the suit previously won against her by Shaykh Mahfouz in Justice Eady's High Court in London thereby establishing a defining precedent in U.S. jurisprudence. Dr. Ehrenfeld is the director of the American Center for Democracy in New York whose book, ''Funding Evil: how terrorism is financed—and how to stop it,'' published by Bonus Books of Chicago in 2003, describes how Shaykh Mahfouz helped finance al-Qa'ida, Hamas, and other terrorist organizations in greater detail than ''Alms for Jihad.'' Although her book was not sold in Britain, Shaykh Mahfouz secured British jurisdiction by demonstrating that ''Funding Evil'' could be purchased or read on the internet by British citizens. When she refused to defend the case in the London High Court, Justice Eady declared for the plaintiff and ordered Dr. Ehrenfeld to pay $225,000 damages. She then chose to confront the Shaykh and seek redress in the U.S. Court system.

Millard Burr and I had adamantly refused to be a party to the humiliating capitulation by CUP and were not about to renounce what we had written. ''Alms for Jihad'' had been meticulously researched, our interpretations judicious, our conclusions made in good faith on the available evidence. It is a very detailed analysis of the global reach of Islamic, mostly Saudi, charities to support the spread of fundamental Islam and the Islamist state by any means necessary. When writing ''Alms for Jihad'' we identified specific persons, methods, money, how it was laundered, and for what purpose substantiated by over 1,000 references. I had previously warned the editor at CUP, Marigold Acland, that some of this material could prove contentious, and in March 2005 legal advisers for CUP spent a month vetting the book before going into production and finally its publication in March 2006. We were careful when writing ''Alms for Jihad'' not to state explicitly that Shaykh Mahfouz was funding terrorism but the overwhelming real and circumstantial evidence presented implicitly could lead the reader to no other conclusion. Court records in the case of U.S. vs. Enaam Arnaout, Director of the Benevolent International Foundation and close associate of Osama bin Laden, accepted as evidence the ''Golden Chain'' which the British High Court later refused as evidentiary. The Mawafaq (Blessed Relief) Foundation of Shaykh Mahfouz and its principal donor was declared by the U.S. Treasury ''an al-Qaida front that receives funding from wealthy Saudi businessmen'' one of whom was the designated terrorist, Yassin al-Qadi who ''transferred millions of dollars to Osama bin Laden through charities and trusts like the Muwafaq Foundation.'' It appears very strange that the founder of his personal charity and its major donor had no idea where or whom or for what purpose his generosity was being used.

Although the reaction to the settlement by CUP has been regarded by some, like Professor Deborah Lipstadt at Emory University, as a ''frightening development'' whereby the Saudis ''systematically, case by case, book by book'' are shutting down public discourse on terrorism and intimidating publishers from accepting manuscripts critical of the Saudis, there still remains the free exchange of ideas, opinions, and written text in the world of the internet protected by the First Amendment. Ironically, the eleven points of the Mahfouz suit against CUP amount to little more than a large footnote, a trivial fraction of the wealth of information in ''Alms for Jihad'' that cannot be found elsewhere. The Shaykh can burn the books in Britain, but he cannot prevent the recovery of the copyright by the authors nor their search for a U.S. publisher to reprint a new edition of ''Alms for Jihad'' for those who have been seeking a copy in the global market place.

PERSONAL EXPLANATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HERGER. Madam Speaker, I was unable to vote on four bills brought up under Suspension of the Rules on Monday, September 24, 2007 because of an illness.

Had I been present, I would have voted ''yea'' on H. Con. Res. 193, a resolution recognizing all hunters across the United States for their continued commitment to safety; ''yea'' on H. Res. 668, a resolution recognizing the 50th anniversary of the September 25, 1957, desegregation of Little Rock Central High School by the Little Rock Nine; ''yea'' on H.R. 1199, the Drug Endangered Children Act of 2007; and ''yea'' on H. Res. 340, a resolution expressing the sense of the House of Representatives of the importance of providing a voice for the many victims (and families of victims) involved in missing persons cases and unidentified human remains cases.

CONGRATULATING FRENCH LICK, INDIANA ON ITS SESQUICENTENNIAL

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HILL. Madam Speaker, 2007 marks the 150th anniversary of the town of French Lick, Indiana. Many of my colleagues in Congress may recognize the town's name as the birthplace of one of basketball's finest, Larry Bird. But, those of us who have had the pleasure of spending time in French Lick know it for much more. I am looking forward to celebrating French Lick's Sesquicentennial with its residents this coming weekend when the festivities commence on Friday, September 28,

2007. The celebration will feature an array of events, such as the Queen's Ball, Historic Home Tours, Commemorative Post Mark, Pumpkin Festival Parade, Carnival Rides, Historic Train Rides, Time Capsule Dedication, live musical performances, art show, and golf tournament.

French Lick has a long and distinguished history. In the 1800s, as pioneers began settling the Indiana Territory, one of the few roads connecting Louisville and Vincennes was the buffalo trail through current day French Lick. Several pioneers established hotels and other business trades along the route, leading to the founding of French Lick in 1857. Some of these early residents included the likes of Dr. William Bowles, who constructed the first health resort sometime between 1840 and 1845; Charles Edward Ballard, the town's most famous entrepreneur known for his successful management of saloons and casino operations; and Ferdinand and Henry Cross, brothers whose artistic talents enriched the lives on travels to the town. Henry's work would later be used for the sketch of the buffalo on the United States nickel.

The tourist demand for French Lick's magical, health-rejuvenating water led to the construction and remodeling of the French Lick Hotel. One of the hotel's most famous owners was a resourceful entrepreneur named Thomas Taggart. Taggart, who served in several elected positions including as Mayor of Indianapolis and as a U.S. Senator, also lead the State Democratic Party beginning in 1892 and the National Democratic Party in 1905. After fire destroyed part of the original hotel, it was Taggart that expanded and rebuilt the facility with its trademark yellow brick, six story front. Thousand of travelers flocked to the new hotel as a resort destination prior to traveling to other destinations or attending popular events such as the Kentucky Derby in nearby Louisville, KY.

The mineral springs of the French Lick area brought many travelers to the region, but it was the gambling that established the Spring Valley as the leisure destination during the first half of the twentieth century. Although seen as a "victimless crime" to many, gambling was illegal and in the late 1940s raids on several casinos ended the practice in the area. The resulting loss of tourism to the area created an economic hardship in the region and the French Lick Hotel passed among several owners. It was in the late 1990s that residents of the town and surrounding region, aided by Historical Preservationist such as William Cook, began restoring the Grand Hotels of the area. Coupled with the legalization of gaming in 2003, the French Lick Springs Resort Hotel and town has returned to its formed grandeur as a resort and leisure destination.

Congratulations French Lick on this historical occasion. All Hoosiers look forward to seeing how this unique and wonderful town develops for decades to come.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mrs. CAPPS. Madam Speaker, I was not able to be present for the following rollcall votes on September 24, 2007. I would have voted as follows: Rollcall No. 891: "yea"; rollcall No. 892: "yea"; rollcall No. 893: "yea"; and rollcall No. 894: "yea".

PROTECTING EMPLOYEES AND RETIREES IN BUSINESS BANKRUPTCIES ACT OF 2007

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. CONYERS. Madam Speaker, the "Protecting Employees and Retirees in Business Bankruptcies Act of 2007," addresses the vast inequities in current bankruptcy law with respect to how American workers and retirees are treated, an area long-neglected by Congress.

The rights of workers and retirees have greatly eroded over the past two decades, particularly in the context of Chapter 11. Let me just cite three reasons.

First, it is no secret that certain districts in our Nation interpret the law to favor the reorganization of a business over all other priorities, including job preservation, salary protections, and other benefits. Part of the problem is that the law is simply not clear, leading to a split of authority among the circuits.

This is particularly true with respect to the standards by which collective bargaining agreements can be rejected and retiree benefits can be modified in Chapter 11. Businesses, as a result, take advantage of these venue options and file their Chapter 11 cases in employer-friendly districts. This was one of the main reasons that Delphi, a Michigan-headquartered company, filed for bankruptcy in New York.

Second, it is clear that at least some businesses use Chapter 11 to bust unions or to at least give themselves unfair leverage in its negotiations with unions. According to a recently released GAO analysis that I requested nearly 2 years ago, 30 percent of companies in the study sought to reject their collective bargaining agreements in bankruptcy. Nearly as many companies took advantage of special provisions in the Bankruptcy Code by employers that can modify retiree benefits.

Let me be specific here. What we are talking about is terminating retiree health care benefits, medical benefits, prescription drug benefits, disability benefits, and death benefits, among other protections.

And, remember that these benefits were bargained for in good faith by hardworking Americans who gave their all to their employers and now are in retirement. This is a travesty.

Third, as a result of Chapter 11's inequitable playing field, employers are able to extract major concessions from workers and retirees, while lining their own pockets. As we learned at a hearing held earlier this year by the Subcommittee on Commercial and Administrative Law, executives of Chapter 11 debtors often receive extravagant multi-million dollar bonuses and stock options, while regular workers are forced to accept drastic pay cuts or even job losses and while retirees lose hard-won pensions and health benefits.

As many of you know, the Ford Motor Company reported a record $12.7 billion loss for last year. But what many of you may not know is that Ford paid $28 million to its new CEO, Alan Mulally, in his first 4 months on the job. This disclosure comes as companies like Ford, General Motors, and DaimlerChrysler are in the midst of negotiations with unions to obtain concessions and labor cost savings when their current contracts end in this month.

A factor that will likely be present at the bargaining table is the threat of a potential Chapter 11 filing. As many of you know, the United Auto Workers yesterday announced a strike at General Motors principally because GM wants to shed more than $50 billion in future health care benefits for retirees.

We need to restore the level playing field that the drafters of Chapter 11 originally envisioned and to ensure that workers and retirees receive fair treatment when their company is in bankruptcy. It is time that we include the interests of working families in the bankruptcy law and consider how we can add a measure of fairness to a playing field that is overwhelmingly tilted against workers.

My bill addresses these problems by:

Increasing the amount by which unpaid wage and employee benefit claims would be entitled to payment priority;

Creating a more level playing field for employees in Chapter 11 cases where employers want to terminate jobs, reduce wages, reject collective bargaining agreements, and terminate medical benefits for retirees;

Prohibiting companies in bankruptcy from paying lavish performance bonuses and incentive compensation to key management; and

Ensuring that the bankruptcy judges have clear statutory guidance that the purpose of Chapter 11 is—to the greatest extent possible—maximize assets so as to preserve jobs.

I will urge prompt consideration of this legislation by the Subcommittee on Commercial and Administrative Law and further proceedings by the House Judiciary Committee.

EQUITY FOR OUR NATION'S SELF-EMPLOYED ACT OF 2007

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. HERGER. Madam Speaker, with nearly 47 million uninsured in America, rising health care costs, and a federal health entitlement system that is simply unsustainable in the long run, America is truly on the verge of a health crisis. Yet despite the looming fiscal insolvency of Medicare and other challenges facing U.S. health care, Congress is preparing now to approve one of the largest expansions of government health care in decades. Mr. Speaker, we must change course in today's debate, and address the root problems facing our health system. And true change can be achieved only through working together on a bipartisan level.

It is for this very reason that I am pleased to join with my colleague from the other side of the aisle, Representative RON KIND of Wisconsin, in introducing truly collaborative, bipartisan legislation that would help expand health coverage to millions of currently uninsured American taxpayers. Our legislation, the "Equity for Our Nation's Self-Employed Act of 2007," would correct an inequity that currently

exists in our tax laws to help make quality health care more affordable for millions of Americans. It achieves this by allowing the self-employed to fully deduct their health insurance premiums for the purposes of both income tax and self-employment tax.

Although many consider themselves ''self-employed,'' only the owners of businesses that are organized as sole proprietorships pay the self-employment tax or SET. Across the U.S. there are more than 21 million sole proprietors who could be subject to some level of self-employment tax. In my own home State of California, there are more self-employed individuals than anywhere else in the country, with roughly 13 percent of the Nation's sole proprietorships, or more than 2.8 million self-employed individuals. The vast majority of the businesses owned by self-employed sole proprietors are small and micro-businesses with 10 or fewer employees. Despite their size, however, these businesses generate more than $800 billion in economic activity in the U.S.

The self-employment tax serves as a proxy for Federal FICA payroll taxes, which other business combinations like C-corporations, limited liability partnerships and S-corporations withhold and pay on behalf of their employees. The SET tax rate is 15.3 percent, representing both the traditionally withheld employee share of 7.65 percent of wages (for Social Security and Medicare) plus the employer's matching share of 7.65 percent. Unlike other businesses, however, the SET applies to all income generated from the sole proprietorship.

At the crux of the current disparity is that all businesses apart from sole proprietorships can deduct employee health care premiums as normal business expenses before taxes. While self-employed taxpayers may deduct 100 percent of their health premiums for regular income tax purposes, sole proprietorships frequently pay more for insurance simply because these expenses are then subjected to the SET of 15.3 percent. One of my constituents, a micro-business owner named Gloria, who lives in Redding, California, reported that she pays about $1,300 more on health insurance each year because of the SET. Another constituent, Tom, from Anderson, pays $900 more for health care each year because of this increased payroll tax. By extending the health deduction to the self-employment tax, we would level the playing field for sole proprietors like Gloria, Tom and the more than 2.8 million self-employed Californians who cannot currently deduct their health coverage costs as a business expense.

Several of my sole proprietor constituents have commented on the rising costs of health care, and how the SET prohibits them from putting this extra amount they pay in taxes to better use expanding their business or purchasing more health coverage for themselves and their employees. Nationwide, more than half of all sole proprietors report that they are unable to purchase health insurance at all, citing affordability as a chief concern. Of these small business owners, more than 80 percent stated they would be more likely to purchase health insurance if it was deductible from payroll taxes through SET deductibility.

Owning and operating a small business in the United States has always been and continues to be extremely risky, with many small businesses not surviving the first 5 years of operation. However, despite great challenges, small businesses provide nearly two-thirds of all new job creation in our country, employing tens of millions of workers and providing a higher standard of living for millions of American families. The difference between low or high taxes can make or break a firm, and mean the difference between profitability and continued entrepreneurial investment to survive, or going out of business. A recent report by the Small Business Administration's Office of Advocacy confirms this about the SET in particular, finding that extending the health insurance deduction for the SET actually increases the probability that a micro-business will remain in the market.

Madam Speaker, around 60 percent of America's uninsured individuals work for small businesses that cannot afford to provide coverage. Our simple, bipartisan legislation would help millions of sole proprietors and their employees better afford coverage by allowing a tax deduction for 100 percent of health insurance expenses from payroll taxes, just like other businesses in the U.S. I thank my colleague from Wisconsin for his leadership on this legislation, and look forward to working to enact it.

RECOGNIZING NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. AL GREEN of Texas. Madam Speaker, I wish to recognize the importance of National Historically Black Colleges and Universities (HBCU) Week which was celebrated September 9 through September 15, 2007. During Historically Black Colleges and Universities Week, all Americans are encouraged to highlight our Nation's commitment to these notable institutions and their efforts to provide more Americans with the tools to accomplish their goals, realize their full human potential, and contribute to the advancement of our country's great ideals.

We must continue to provide our strong support to HBCUs so that every citizen can enjoy a future of hope, accomplishment, and opportunity. We commend these great institutions as they build on a foundation of continued success for every college student.

There are 114 historically black colleges in the United States today, including 2-year and 4-year institutions as well as public and private institutions. Most are located in the Southeastern United States. Four are located in the Midwestern states (two each in Missouri and Ohio), two are located in Pennsylvania, one is in Delaware, nine in Texas, and one is in the Virgin Islands. It is fitting that we take this week to honor all of these institutions for their service, accomplishment, and continuing legacy.

It is important that we as a nation take a moment to reflect on the tremendous service HBCUs have provided on behalf of our great Nation. America's HBCUs have a proud and solid tradition. Since their inception, HBCUs have furthered the development of African Americans who have become leaders in science, health, government, business, education, the military, law, and world affairs. Graduates of HBCUs have made great contributions to our society, and America, and they continue to serve as role models for all Americans.

As a graduate of Texas Southern University, I understand the vital importance that Historically Black Colleges and Universities play in the advancement of minority education and empowerment. I will continue to work with my colleagues in preserving the educational institutions that have given knowledge and hope to so many minorities for so many years.

Madam Speaker, I urge my colleagues to join me in recognizing the importance of National Historically Black Colleges and Universities Week.

IN HONOR OF THE TOWERS AT WILLIAMS SQUARE WINNING THE 2007 INTERNATIONAL TOBY AWARD

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. SESSIONS. Madam Speaker, I rise today to congratulate Cousins Properties, TIAA Realty, and the Towers at Williams Square for winning the coveted 2007 International The Office Building of the Year (TOBY) Award.

The Towers at Williams Square made Dallas Building Owners and Manager Association, BOMA, history as the first local association to win an International TOBY in the over 1 million square feet category. After losing to The Crescent at the local level in 2001, the Towers at Williams Square re-entered in 2007; this time winning at the local and regional levels before advancing to the international competition. The TOBY Award recognizes excellence in building office management and operations worldwide and speaks loudly of the value and contributions that Cousins Properties and TIAA Realty have brought to the Towers at Williams Square and the surrounding local community.

It is home to the ''Mustangs of Las Colinas'' sculpture and museum and was originally created as the symbolic center of Las Colinas. The Greater Irving—Las Colinas Chamber of Commerce will gather members of the local community to celebrate this prestigious honor that has bestowed on the Towers at Williams Square. Madam Speaker, I ask my esteemed colleagues to join me in congratulating them.

VIETNAM SEEKING TO BECOME NON-PERMANENT MEMBER OF U.N. COUNCIL

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. ROHRABACHER. Madam Speaker, it was very disturbing to learn that the Vietnamese dictatorship is seeking to become a nonpermanent member of the U.N. Council when the 62nd session of the U.N. begins to meet this week. Vietnam's Prime Minister Nguyen Tan Dung is scheduled to address the General Assembly on Thursday.

It is great shame that in 2006 the Bush administration's State Department removed Vietnam from the list of Countries of Particular

Concern and gave Vietnam PNTR status, which led to its membership in the WTO. As a result of the Vietnamese dictators achieving everything that they wanted, it was predictable that in early 2007 they would revert to their old tactics. They have again begun broad-scale detention and physical abuse of religious and human rights leaders and the destruction and confiscation of private property.

What role can the United States play to align ourselves with the Vietnamese people who are struggling for their freedom? I agree with Ngai Xuan Nguyen, the overseas representative of the Vietnam Democratic Movement, that our Nation must condition its approval for Vietnam's bid to sit on the Security Council on three requirements:

(1) A definitive improvement in human rights with the release of all political and religious prisoners.

(2) A dramatic show of progress for freedom of speech, freedom of assembly and freedom of the press.

(3) Allowing multiparties as part of the political process.

Last week when I met with Ngai Xuan Nguyen he gave me a list of over 100 names of political and religious prisoners. I wish to submit these names to be printed at this point in the RECORD.

I strongly urge the administration to vigorously pursue these cases. Our country should be a beacon of hope for people who struggle for freedom, democracy and rule of law. Access to cheap Vietnamese labor that will only benefit big business should not be the foundation of our Vietnam policy. The benefits of open markets and free trade will follow free systems. Economic deals with dictators will not lead to the long-term security that we seek from our relations with Asian nations. I am honored to work with people like Ngai Xuan Nguyen and I wish success for all Vietnamese who are struggling for freedom in Vietnam.

LIST OF POLITICAL AND RELIGIOUS PRISONERS STILL DETAINED

1. Le Van Tinh, People Action Party of Vietnam (PAP), Advisory Board member to Unified Buddhist Church, arrested 25/01/95, sentenced to 20 years in Xuan Loc prison, Dong Nai.
2. Nguyen Tuan Nam, PAP, sentenced to 19 years, Xuan Loc prison, Dong Nai Province.
3. Nguyen Van Trai, PAP, sentenced to 16 years, Xuan Loc prison, Dong Nai.
4. Tran Cong Minh, PAP, sentenced to 13 years, Xuan Loc prison, Dong Nai.
5. Le Dong Phuong, PAP, sentenced to 12 years, Xuan Loc prison, Dong Nai.
6. Bui Dang Thuy, PAP, sentenced to 18 years, Xuan Loc prison, Dong Nai.
7. Nguyen Anh Hao, PAP, sentenced to 13 years, Xuan Loc prison, Dong Nai.
8. Nguyen Huu Phu, PAP, sentenced to 10 years, Xuan Loc prison, Dong Nai.
9. Nguyen Van Hau, PAP, sentenced 8 years, Xuan Loc prison, Dong Nai.
10. Vu thi Ngoc An, PAP, sentenced to 8 years, Z30 D prison, Ham Tan.
11. Tran Thi Le Hang, arrested 12/04/07, founder to United Workers and Farmers Association, (UWFA) prison camp B5, Dong Nai.
12. Lawyer Tran Quoc Hien, spokesman to UWFA arrested 12/01/07, sentenced to 5 years, Bo La prison camp, Binh Duong Province.
13. Doan Van Dien, arrested 12/04/07 UWFA, prison camp B5, Dong Nai.
14. Doan Huu Chuong, arrested 12/04/07, UWFA, prison camp B5, Dong Nai.
15. Nguyen Tan Hoanh, arrested 12/04/07, chief to UWFA, prison camp B5 Dong Nai, reportedly missing.
16. Tran Khai Thanh Thuy, temporarily detained, not yet tried.
17. Tran Thi Thuy Trang, temporarily detained, not yet tried.
18. Vu Hoang Hai, temporarily detained, not yet tried
19. Nguyen Ngoc Quang, temporarily detained, not yet tried.
20. Pham Ba Hai, temporarily detained, not yet tried.
21. Rev. Nguyen Van Ly, Catholic priest, sentenced to 8 years (Founder of the Bloc 8406).
22. Nguyen Phong, sentenced to 6 years, Thang Tien Party Progressive Party of Vietnam, PPV), prison camp of Thanh Hoa.
23. Nguyen Binh Thanh, sentenced to 5 years (PPV), prison camp Xuan Loc, Dong Nai.
24. Lawyer Le Thi Cong Nhan, sentenced 4 nam years (member of the Bloc 8406, spokeswoman to the PPV).
25. Lawyer Nguyen Van Dai sentenced to 5 years (member of the Bloc 8406).
26. Dr. Le Nguyen Sang, sentenced 5 years (Chairman of the People's Democratic Party PDP).
27. Lawyer Nguyen Bac Truyen, sentenced 4 years (PDP).
28. Huynh Nguyen Dao, sentenced to 3 years (PDP).
29. Hoang Thi Anh Dao (PPV), probation of 2 years.
30. Luu Van Si, fugitive (UWFA).
31. Truong Quoc Huy, born 22/09/80, arrested 19/610/2005.
32. Ngo Van Ninh 87 years of age, president to Buu Son Ky Huong Buddhist Church, prison camp Xuan Loc, Dong Nai province.
33. Nguyen Si Bang, life sentenced in the Campaign the Red Jacaranda of Hoang Viet Cuong, prison camp Xuan Loc, Dong Nai province.
34. Pham Xuan Than, life sentenced in the Campaign the Red Jacaranda of Hoang Viet Cuong, prison camp Xuan Loc, Dong Nai province.
35. Truong Van Duy, life sentenced, the Campaign the Red Jacaranda of Hoang Viet Cuong, prison camp Xuan Loc, Dong Nai province.
36. Le Kim Hung, the Free Vietnam Organization (FVO), prison camp Xuan Loc, Dong Nai.
37. Ho Long Duc, FVO, sentenced to 20 years, prison camp Xuan Loc, Dong Nai.
38. Nguyen Thanh Van, FVO, prison camp Xuan Loc, Dong Nai province.
39. Nguyen Van Phuong, FVO, prison camp Xuan Loc, Dong Nai province.
40. Nguyen Ngoc Phuong, FVO, prison camp Xuan Loc, Dong Nai province.
41. Nguyen Hoang Giang, FVO, prison camp Xuan Loc, Dong Nai.
42. Nguyen Van Huong, FVO, prison camp Xuan Loc, Dong Nai.
43. Son Nguyen Thanh Dien, FVO, prison camp Xuan Loc, Dong Nai.
44. Nguyen Minh Man, FVO, prison camp Xuan Loc, Dong Nai.
45. Nguyen Van Minh, FVO, prison camp Xuan Loc, Dong Nai.
46. Huynh Buu Chau, FVO, prison camp Xuan Loc, Dong Nai.
47. Huynh Anh Tu, FVO, prison camp Xuan Loc, Dong Nai.
48. Huynh Anh Tri, FVO, prison camp Xuan Loc, Dong Nai.
49. Nguyen Van Than, FVO, prison camp Xuan Loc, Dong Nai.
50. Tran Van Duc, FVO, prison camp Xuan Loc, Dong Nai.
51. Vo Si Cuong, FVO, prison camp Xuan Loc, Dong Nai.
52. Ngo Thanh Son, FVO, prison camp Xuan Loc, Dong Nai.
53. Tran Van Thai, Viet Nam Tu Do, trai giam Xuan Loc, tinh Dong Nai.
54. Do Thanh Van (tu Nhan), Viet Nam Tu Do, trai giam Xuan Loc, tinh Dong Nai.
55. Dinh Quang Hai, Viet Nam Tu Do, trai giam Xuan Loc, tinh Dong Nai.
56. Lam Quang Hai, Viet Nam Tu Do, trai giam Xuan Loc, tinh Dong Nai.
57. Nguyen Anh Hao, trai giam Xuan Loc, tinh Dong Nai.
58. To Thanh Hong, Viet Nam Tu Do, trai giam Xuan Loc, tinh Dong Nai.
59. Mai Xuan Khanh, trai giam Xuan Loc, tinh Dong Nai.
60. Tran Van Thieng, trai giam Xuan Loc, tinh Dong Nai.
61. Phan Quoc Dung, trai giam Xuan Loc, tinh Dong Nai.
62. Nguyen Van Hoa, trai giam Xuan Loc, tinh Dong Nai.
63. Nguyen Van Chung, trai giam Xuan Loc, tinh Dong Nai.
64. Nguyen Sinh Nhat, trai giam Xuan Loc, tinh Dong Nai.
65. Bui Re, trai giam Xuan Loc, tinh Dong Nai.
66. Nguyen Huu Cau, trai giam Xuan Loc, tinh Dong Nai.
67. Le Thi Hang (Dang Thang Tien Party) sentenced to 18 months of probation.
68. Nguyen van Ngoc, Dong Nai, temporarily detained, not yet tried.
69. Ho Thi Bich Khuong, arrested in Nam Dan district, Nghe an province.
70. Hang Tan Phat, arrested 20/10/06 in Nha Trang.
71. Le Trung Hieu, temporarily detained, not yet tried.
72. Ngo Luot, victim of unjustly expropriated properties, Phan Thiet, Binh Thuan province, arrested 03/08/07.

THE LIST OF MEMBERS OF HOA HAO BUDDHIST CHURCH IN PRISON

1. Bui Tan Nha, executive member of Hoa Hao Buddhist Church, arrested 13/07/97, life sentenced, Xuan Loc prison camp.
2. Nguyen Van Dien, Resident Monk, Vice Chief to UWFA, arrested 05/08/05 sentenced to 7 years, Xuan Loc prison camp.
3. Vo Van Buu, chief to Youth of Hoa Hao Buddhist Church, arrested 05/08/05 sentenced to 6 years, Xuan Loc prison camp.
4. Mai thi Dung, chief of Women Association of Cho Moi district, An Giang province, arrested 05/08/05, sentenced to 5 years, Vinh Long prison camp.
5. Vo Van Thanh Liem, resident monk to Quang Minh Tu, An Giang, arrested 05/08/05, sentenced to 7 years, Xuan Loc prison camp.
6. Nguyen Thanh Phong, Young Men's Association to Hoa Hao Buddhist Church, Cho Moi District, Giang Province, arrested 05/08/05, sentenced to 6 years, Vinh Long prison camp.
7. Nguyen Thi Ha, Member of Women's Association of Hoa Hao Buddhist Church, Cho Moi district, An Giang province, arrested 05/08/07, sentenced to 5 years, Vinh Long prison camp.
8. To Van Manh, resident believer practising at home to Hoa Hao Buddhist Church, arrested 05/08/07, sentenced to 6 years, Xuan Loc prison camp.
9. Vo Van Thanh Long, resident believer practising at home to Hoa Hao Buddhist Church, arrested 05/08/07, sentenced 5 years, Xuan Loc prison camp.
10. Nguyen Van Thuy, resident Monk, chief of Youth of Hoa Hao Buddhist Church, Vinh Long province, arrested 22/04/06, sentenced to 5 years in prison.
11. Nguyen Van Tho, president to executive board of Hoa Hao Buddhist Church, Dong Thap province, arrested 02/10/06, sentenced 6 years, Dong Thap prison camp.
12. Duong Thi Tron, resident believer of Hoa Hao Buddhist Church (HHBC), arrested 13/10/2006, sentenced to 4 years, Cao Lanh prison camp.

14. Le van Soc, vice chief exec board to HHBC, Vinh Long province, arrested 04/11/2006, sentenced 6 years.

15. Nguyen Van Tho, sentenced to 4 years in prison.

16. Nguyen Thi Thanh, Tuy Hoa, Phu Yen province, arrested 05/08/06, prison camp Vinh Long.

17. Le Minh Triet, resident Monk of Hoa Hao Buddist Church, after kept in prison 8 years ago, now continues under house arrest 24 months by the people's committee of An Giang Province.

THE LIST OF PERSECUTED MEMBERS OF THE VIETNAMESE PEOPLE'S EVANGELICAL FELLOWSHIP (VPEF)

Hiep Hoi Thong Cong Tin Lanh Cac Dan Toc Vietnam

THE LIST OF THE DEAD PRISONERS WITHIN 2 YEARS TO NOW IN THE PRISON CAMP OF XUAN LOC, DONG NAI PROVINCE; TOTAL: 11 DEAD PEOPLE

1. Ly Nhurt Thanh, Dang Nhan Dan Hanh Dong, People Action Party of Vietnam (PAP).

2. Ngo Minh Tuan, Dang Nhan Dan Hanh Dong (PAP).

3. Ho Quoc Dung, Dang Nhan Dan Hanh Dong (PAP).

4. Hoa Van Xuan, Dang Nhan Dan Hanh Dong (PAP).

5. Nguyen Van Binh, Dang Nhan Dan Hanh Dong (PAP).

6. Son Tam, To chuc Viet Nam Tu Do, The Free Vietnam Organization (FVO).

7. Nguyen-Van-Ha, To chuc Viet Nam Tu Do (FVO).

8. Pham Minh Tuan, To chuc Viet Nam Tu Do (FVO).

9. Nguyen Van Chien, To chuc trong nuoc, Domestic Organization (DO).

10. Nguyen Minh Tan, To chuc trong nuoc (DO).

11. Phan Van Truoc, To chuc trong nuoc (DO).

LIST OF MENNONITE MEMBERS/CHRISTIANS JAILED UNTIL NOW (17/08/07)

1. Pastor K'soTiNo arrested 14/05/2005 sentenced to 7 jail term, prison camp Nam Ha Bac Viet. Alleged of ''undoing national unity.'' Tribal of Ja ra (Pleiku).

2. Evangelist A Ka, tribal of H'lang, Kon Tum, arrested 04/01/2007 detained in Binh Dinh, sentenced to 2 years, alleged of ''undoing national unity'' (PHCSDKDT).

3. Evangelist: Y Brek, tribal of Ja Rai, Gia Lai. Arrested 04/2004. Sentenced to 7 years; alleged of ''undoing national unity.'' Prison camp Nam Ha.

4. Evangelist A aoh, tribal of Ja Rai, Kon Tum, arrested 04/2005, sentenced to 7 years, jailed in Nam ha prison camp, alleged of ''undoing national unity.''

5. Pastor Ra Lan Chel, tribal of Ja Rai, Gia Lai province, arrested 07/2006. alleged of ''disturbing security''; being jailed in Ma drak, Daklak. No trial, no sentence according to VN's Resolution 31/ND–CP.

6. Evangelist A chu, tribal of Ja Rai, Kon Tum province, arrested 04/2004; sentenced to 3 years; prison camp Phui Yen.

7. Evangelist A Ja roong tribal Ja Rai, Kon Tum; arrested in 2001; deranged. in 2003; released then re-arrested for arson; and De Gar connection; sentenced to 4 years in prison.

8. Evangelist A Phuong, tribal of Ja Rai, province Kon Tum; arrested 04/2005; sentenced to 3 years in prison camp T20, Gia Lai. Alleged of ''undoing national unity.''

9. Evangelist Doan van Dien, village Phu Ngoc, Dong Nai, arrested 10/2006; prison camp B5, Dong Nai. Not yet tried. Alleged of ''against the socialist regime.''

10. Assistant Doan Huy Chuong arrested 10/2006, not yet tried, jailed in prison camp B5 Dong Nai province, alleged of ''against the socialist regime.''

11. Assistant Nguyen Thi le Hang, of Phuoc Son, Ninh Thuan, arrested 10/2006, alleged of ''against the socialist regime''; not yet tried; being jailed in prison camp B5, Dong Nai.

12. Pastor Nguyen Van Dai, legal commissioner of the church, arrested 03/2007; alleged of ''propaganda of against the socialist regime''; sentenced to 5 years.

All of the above so-called allegations are of forced depositions, or fabrications; there are some missing or who died after being released from the prison camps; or were interrogated by the police; released, after that died of unknown sudden deaths, no known causes, no examinations; or were killed and fabricated as suicides!

Mennonite Office, 17/8/2007, (President) Pastor: Nguyen Hong Quang.

Note: In this list, some persons to be Religion while participate Democracy Movement were kept in Prison. So, having the same name as follows: 1. Ong Doan Van Dien. 2. Doan Huy Chuong. 3. Nguyen Thi Le Hang. 4. Nguyen Van Dai.

CONGRATULATING THE DENTON ACME BRICK PLANT FOR THE CREATION OF THE WORLD'S LARGEST BRICK

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Denton Acme Brick plant for creating what could be the world's largest brick.

The 6,400-pound brick was created in honor of the company's 116th anniversary. Crews began creating a replica 3,000 times larger than an original brick on December 12, 2005. The process took 18 months from start to finish.

The brick was built using 99 percent Denton-area clay and 1 percent combination of other materials. The employees have lovingly named the brick "Baby Clay". The brick will be transported to several Acme locations throughout the company to be on display for employees. It will then return to Denton and be put on public display.

Acme Brick hopes to obtain the "world's largest" brick recognition from the Guinness World Records. Currently, there is no recognition for such a record. It will take 4 to 6 weeks for the Guinness employees to validate or reject Acme's claim.

I extend my sincere congratulations to the Denton Acme Brick Plant and the creation of "Baby Clay". Also congratulations to the Acme Company in celebrating 116 years of service.

TAINTED IMPORTS

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. BARROW. Madam Speaker, I rise today because I haven't been able to open up a newspaper in the last few months without reading about another product coming into this country from overseas that is tainted, poisonous, or dangerous in some major way.

Tainted pet food, counterfeit alcohol, poisonous toothpaste, children's toys with lead paint . . . the list goes on and on.

Frankly, I'm tired of hearing about these dangers only when it's too late to do anything about them without spending valuable time and resources to fix the problem. We need to do a better job of ensuring the safety of these imported products across the board.

As a father and a consumer, I hope that in the coming weeks we'll devote the time necessary to figuring out how to identify these problems. We need to act before we read about more recalls or worse—when someone gets physically ill because of lax regulations or enforcement. We have a duty to ensure that the stream of commerce isn't polluted.

COMMEMORATING THE 25TH ANNIVERSARY OF THE VIETNAM VETERANS MEMORIAL

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. BACA. Mr. Speaker, I rise today in support of H. Res. 326, the resolution that commemorates the 25th anniversary of the dedication of the Vietnam Veterans Memorial in our Nation's Capital.

As a Vietnam-era Veteran myself, I want to thank my colleague, Representative HOOLEY from Oregon, for introducing this resolution that celebrates the dedication of a special Memorial that has come to be such a physical reminder of what this Nation went through as a whole.

The Memorial takes me back to a time when my friends and I left our families behind. I was fortunate to come back home, some of my friends were not.

The beautiful black granite memorial contains 58,256 names of soldiers who died or remain missing. We honor those soldiers. To their families we pay our respects and cannot say thank you enough.

Each time I look upon the etched names on the memorial, I am reminded of the deep rooted sacrifice of Americans so many years ago. I wish to have my great, great grandchildren be able to visit the memorial and be able to sense the same thing.

It is easy for me to remember, I lived it. However, our future generations must not forget that America would be very different had it not been for the sacrifice of these honorable soldiers.

I am glad to be able to be a part of this special recognition. I urge my colleagues to support H. Con. Res. 5 and reflect the great sacrifices of true American heroes.

TAX FREE TIPS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 25, 2007

Mr. PAUL. Madam Speaker, I rise to help millions of working Americans by introducing the Tax Free Tips Act. As the title suggests, this legislation makes tips exempt from federal income and payroll taxes. Tips often compose a substantial portion of the earnings of waiters, waitresses, and other service-sector employees. However, unlike regular wages, a

service-sector employee usually has no guarantee of, or legal right to, a tip. Instead, the amount of a tip usually depends on how well an employee satisfies a client. Since the amount of taxes one pays increases along with the size of tip, taxing tips punishes workers for doing a superior job!

Many service-sector employers are young people trying to make money to pay for their education, or single parents struggling to provide for their children. Oftentimes, these workers work two jobs in hopes of making a better life for themselves and their families. The Tax Free Tips Act gives these hard-working Americans an immediate pay raise. People may use this pay raise to devote more resources to their children's, or their own, education, or to save for a home, retirement, or to start their own businesses.

Helping Americans improve themselves by reducing their taxes will make our country stronger. I, therefore, hope all my colleagues will join me in cosponsoring the Tax Free Tips Act.

RECOGNIZING THE SERVICE OF THE 65TH INFANTRY BORINQUENEERS

SPEECH OF

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 18, 2007

Mr. BACA. Mr. Speaker, I ask for unanimous consent to revise and extend my remarks. I rise in support of H. Res. 443, which recognizes the service of the 65th Infantry Borinqueneers during the Korean War and the continued service of Puerto Ricans in the Armed Services.

The Korean War was fought with the sweat and tears of many Americans.

The 65th Infantry Regiment was the only Hispanic-segregated unit in United States military history. Mandated by Congress, the unit was compromised by a majority of Puerto Ricans.

These honorable soldiers fought at the front of the Korean lines like any other American soldiers. The unit received a Presidential Unit Citation, a Meritorious Unit Commendation, and two Republic of Korea Unit Citations.

In addition, we continue to be fortunate enough to count on the service of Puerto Ricans today.

This July, Captain Maria Ortiz, a Puerto Rican, was killed by a mortar attack in the Green Zone in Baghdad. She was the first army nurse to be killed in combat since the Vietnam War.

Today I stand proud with my colleagues and thank our Puerto Rican soldiers who have fought and will continue to fight so bravely for the great democracy that we enjoy. As a fellow Vietnam-era veteran, I salute you.

I urge my colleagues to support and pass H. Res. 443 and recognize the great work of our Puerto Rican soldiers.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S12013–S12076

Measures Introduced: Seven bills and two resolutions were introduced, as follows: S. 2087–2093, and S. Res. 330–331. **Page S12054**

Measures Passed:

Childhood Cancer Awareness: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 325, supporting efforts to increase childhood cancer awareness, treatment, and research, and the resolution was then agreed to. **Pages S12075–76**

Trade Act of 1974 Extension: Senate passed H.R. 3375, to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months, clearing the measure for the President. **Page S12076**

Tamper-Resistant Prescription Pads: Committee on Finance was discharged from further consideration of S. 2085, to delay for 6 months the requirement to use of tamper-resistant prescription pads under the Medicaid program, and the bill was then passed. **Page S12076**

Measures Considered:

National Defense Authorization Act: Senate resumed 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 S12023, S12024, S12028–46**

Adopted:

Levin (for Isakson) Modified Amendment No. 2952 (to Amendment No. 2011), to authorize the procurement of fire resistant rayon fiber for the production of uniforms from foreign sources. **Page S12034**

Levin (for Boxer) Amendment No. 2870 (to Amendment No. 2011), to require an annual report on cases reviewed by the National Committee for Employer Support of the Guard and Reserve. **Page S12034**

Levin (for Clinton) Amendment No. 2917 (to Amendment No. 2011), to extend and enhance the authority for temporary lodging expenses for members of the Armed Forces in areas subject to a major disaster declaration or for installations experiencing a sudden increase in personnel levels. **Pages S12034–35**

Levin (for Menendez) Amendment No. 2973 (to Amendment No. 2011), to express the sense of Congress on the provision of equipment for the National Guard for the defense of the homeland. **Pages S12034–35**

Levin (for Brown) Amendment No. 2095 (to Amendment No. 2011), to expedite the prompt return of the remains of deceased members of the Armed Forces to their loved ones for burial. **Pages S12034–35**

Levin (for Graham/Kerry) Amendment No. 2975 (to Amendment No. 2011), to require a report on the status of the application of the Uniform Code of Military Justice during a time of war or contingency operation. **Pages S12034–35**

Levin (for Dole) Amendment No. 2951 (to Amendment No. 2011), to require the Secretary of the Navy to make reasonable efforts to notify certain former residents and civilian employees at Camp Lejeune, North Carolina, of their potential exposure to certain drinking water contaminants. **Pages S12034–35**

Levin (for Chambliss) Amendment No. 2978 (to Amendment No. 2011), to require a report on housing privatization initiatives. **Pages S12034–35**

Levin (for Smith/Wyden) Amendment No. 2956 (to Amendment No. 2011), to express the sense of the Senate on use by the Air Force of towbarless aircraft ground equipment. **Pages S12034, S12036**

Levin (for Lieberman) Amendment No. 2932 (to Amendment No. 2011), to provide for the provision of contact information on separating members of the Armed Forces to the veterans department or agency of the State in which such members intend to reside after separation. **Pages S12034, S12036**

Levin (for Hagel/Byrd) Amendment No. 2979 (to Amendment No. 2011), to express the sense of Congress on the future use of synthetic fuels in military systems. **Pages S12034, S12036**

Levin (for Bingaman) Amendment No. 2943 (to Amendment No. 2011), to require a report on the

workforce required to support the nuclear missions of the Navy and the Department of Energy.

Pages S12034, S12036

Levin (for Coleman) Amendment No. 2982 (to Amendment No. 2011), to authorize the establishment of special reimbursement rates for the provision of mental health care services under the TRICARE program. **Pages S12034, S12036**

Levin (for Domenici) Amendment No. 2981 (to Amendment No. 2011), to require an evaluation of the strategic plan for advanced computing of the National Nuclear Security Administration.

Pages S12034, S12036

Levin (for Nelson (NE)/Johnson) Amendment No. 2158 (to Amendment No. 2011), to ensure the eligibility of certain heavily impacted local educational agencies for impact aid payments under section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 for fiscal year 2008 and succeeding fiscal years. **Pages S12034, S12036**

Levin (for Chambliss) Amendment No. 2977 (to Amendment No. 2011), to provide for physician and health care professional comparability allowances to improve and enhance the recruitment an retention of medical and health care personnel for the Department of Defense. **Pages S12034, S12036–37**

Levin (for Boxer). Amendment No. 2962 (to Amendment No. 2011), to implement the recommendations of the Department of Defense Task Force on Mental Health. **Pages S12034, S12037–38**

Levin (for Martinez). Amendment No. 2950 (to Amendment No. 2011), to require a study and report on the feasibility of including additional elements in the pilot program utilizing an electronic clearinghouse for support of the disability evaluation system of the Department of Defense.

Pages S12034, S10238

Levin (for Kerry) Amendment No. 2969 (to Amendment No. 2011), to provide for the establishment of a Center of Excellence in Prevention, Diagnosis, Mitigation, Treatment, and Rehabilitation of Military Eye Injuries. **Pages S12034, S12038–39**

Levin (for Thune) Amendment No. 3021 (to Amendment No. 2011), to require a Comptroller General report on actions by the Defense Finance and Accounting Service in response to the decision in Butterbaugh v. Department of Justice.

Pages S12034, S12039

Levin (for Salazar) Amendment No. 2920 (to Amendment No. 2011), to require a report on the Pinon Canyon Maneuver Site, Colorado.

Pages S12034, S12039–40

Levin (for Cornyn) Amendment No. 2929 (to Amendment No. 2011), to require a report assessing the facilities and operations of the Darnall Army Medical Center at Fort Hood Military Reservation, Texas. **Pages S12034, S12040**

Levin (for Martinez) Amendment No. 2197 (to Amendment No. 2011), to lift the moratorium on improvements at Fort Buchanan, Puerto Rico.

Pages S12034, S12040

Levin (for Biden) Amendment No. 2290 (to Amendment No. 2011), to require a report on funding of the Department of Defense for health care in the budget of the President in any fiscal year in which the Armed Forces are engaged in major military conflict. **Pages S12034, S12040**

Levin (for Chambliss/Isakson) Amendment No. 2936 (to Amendment No. 2011), to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

Pages S12034, S12040

Levin/McCain Amendment No. 3007 (to Amendment No. 2011), to clarify the requirement for military construction authorization and the definition of military construction. **Pages S12034, S12040**

Levin (for Akaka) Amendment No. 2995 (to Amendment No. 2011), to require a report on the plans of the Secretary of the Army and the Secretary of Veterans Affairs to replace the monument at the Tomb of the Unknowns at Arlington National Cemetery, Virginia. **Pages S12034, S12040–41**

Levin (for Lautenberg/Menendez) Amendment No. 3029 (to Amendment No. 2011), to require a comprehensive review of safety measures and encroachment issues at Warren Grove Gunnery Range, New Jersey. **Pages S12034, S12041**

Levin (for Hagel) Amendment No. 2980 (to Amendment No. 2011), to require a report on the establishment of a scholarship program for civilian mental health professionals. **Pages S12034, S12041**

Levin (for Kerry/Snowe) Amendment No. 3023 (to Amendment No. 2011), to improve the Commercialization Pilot Program for defense contracts.

Pages S12034, S12041

Levin (for Kerry) Amendment No. 3024 (to Amendment No. 2011), to improve small business programs for veterans. **Pages S12034, S12041**

Levin (for Landrieu) Amendment No. 2963 (to Amendment No. 2011), to authorize the Secretary of the Army to use land under the control of the State of Louisiana adjacent to, or in the vicinity of the Baton Rouge airport, Baton Rouge, Louisiana for the purpose of siting an Army Reserve Center and Navy-Marine Corps Reserve Center. **Pages S12034, S12041**

Levin (for Bennett/Hatch) Modified Amendment No. 3030 (to Amendment No. 2011), to modify land management restrictions applicable to Utah national defense lands. **Pages S12034, S12041–42**

Levin (for Coburn) Amendment No. 3044 (to Amendment No. 2011), to prohibit the use of earmarks for awarding no-bid contracts and non-competitive grants. **Pages S12034, S12042**

Pending:

Nelson (NE) (for Levin) Amendment No. 2011, in the nature of a substitute. **Page S12023**

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 S12023**

Kyl/Lieberman Amendment No. 3017 (to Amendment No. 2011), to express the sense of the Senate regarding Iran. **Pages S12023, S12029**

Biden Amendment No. 2997 (to Amendment No. 2011), to express the sense of Congress on federalism in Iraq. **Pages S12023, S12028–29**

Reid (for Kennedy/Smith) Amendment No. 3035 (to the language proposed to be stricken by Amendment No. 2064), to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes. **Page S12023**

Motion to recommit the bill to the Committee on Armed Services, with instructions to report back forthwith, with Reid Amendment No. 3038, to change the enactment date. **Page S12024**

Reid Amendment No. 3039 (to the instructions of the motion to recommit), of a technical nature. **Page S12024**

Reid Amendment No. 3040 (to Amendment No. 3039), of a technical nature. **Page S12024**

Casey (for Hatch) Amendment No. 3047 (to Amendment No. 2011), to require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials. **Pages S12044–45**

A motion was entered to close further debate on the Reid (for Kennedy/Smith) Amendment No. 3035 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, September 27, 2007. **Page S12023**

A motion was entered to close further debate on Casey (for Hatch) Amendment No. 3047 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, September 27, 2007. **Pages S12044–46**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Wednesday, September 26, 2007; provided further, that when Senate resumes consideration of Biden Amendment No. 2997 (to Amendment No. 2011), that there be 30 minutes of debate equally divided and controlled between Senators Biden and McCain, or their designees, and that Senate vote on or in relation to the amendment; provided further, that the amendment be subject to a 60 vote affirmative threshold, and that if it does not achieve that threshold, the amendment be withdrawn. **Page S12076**

Children's Health Insurance Program Reauthorization Act—Agreement: A unanimous-consent agreement was reached providing that on Wednesday, September 26, 2007, when cloture is filed on the motion to concur in the House amendments to the Senate amendments to H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, that it be considered to have been filed on Tuesday, September 25, 2007. **Page S12075**

Nomination Received: Senate received the following nomination:

Christina H. Pearson, of Maryland, to be an Assistant Secretary of Health and Human Services. **Page S12076**

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

John A. Rizzo, of the District of Columbia, to be General Counsel of the Central Intelligence Agency, which was sent to the Senate on January 9, 2007. **Page S12076**

Messages from the House: **Page S12051**

Measures Referred: **Page S12051**

Measures Placed on the Calendar: **Page S12051**

Executive Communications: **Pages S12051–52**

Petitions and Memorials: **Pages S12052–54**

Additional Cosponsors: **Pages S12054–56**

Statements on Introduced Bills/Resolutions: **Pages S12056–68**

Additional Statements: **Pages S12050–51**

Amendments Submitted: **Pages S12068–75**

Notices of Hearings/Meetings: **Page S12075**

Authorities for Committees to Meet: **Page S12075**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:50 p.m., until 9:30 a.m. on Wednesday, September 26, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12076.)

Committee Meetings

(Committees not listed did not meet)

GULF COAST HOUSING NEEDS

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine certain

issues two years after Hurricanes Katrina and Rita, focusing on housing needs in the Gulf Coast, after receiving testimony from Senator Landrieu; Orlando J. Cabrera, Assistant Secretary of Housing and Urban Development for Public and Indian Housing; James Perry, Greater New Orleans Fair Housing Action Center, on behalf of the National Low Income Housing Coalition, James R. Kelly, Providence Community Housing, Emelda Paul, Lafitte Resident Council, and Edgar A.G. Bright, III, Standard Mortgage Corporation, on behalf of the Mortgage Bankers Association, all of New Orleans, Louisiana; Alan Brown, United Methodist Senior Services of Mississippi, Inc., Tupelo, on behalf of the American Association of Homes and Services for the Aging; and Amy Liu, Brookings Institution, Washington, D.C.

REPUBLIC OF THE MARSHALL ISLANDS SUPPLEMENTAL NUCLEAR COMPENSATION ACT

Committee on Energy and Natural Resources: Committee concluded a hearing to examine S. 1756, to provide supplemental ex gratia compensation to the Republic of the Marshall Islands for impacts of the nuclear testing program of the United States, after receiving testimony from Thomas Bussanich, Acting Director, Office of Insular Affairs, Department of the Interior; David B. Gootnick, Director, International Affairs and Trade, Government Accountability Office; Witten T. Philippo, Minister in Assistance to the President, and Jonathan M. Weisgall, Legal Counsel, both of Majuro, Republic of the Marshall Islands.

GLOBAL WARMING INITIATIVES

Committee on Environment and Public Works: Committee concluded a hearing to examine jobs in the renewable energy industries created by global warming initiatives, after receiving testimony from Sigmar Gabriel, Minister for the Environment, Nature Conservation and Nuclear Safety, Berlin, Germany; former Representative Richard K. Armey, FreedomWorks, Jerome Ringo, Apollo Alliance, Kenneth P. Green, American Enterprise Institute, and Carol L. Berrigan, Nuclear Energy Institute, all of Washington, D.C.; Wayne H. Winegarden, Arduin, Laffer, and Moore Econometrics, Tallahassee, Florida; Vinod Khosla, Klosla Ventures, Menlo Park, California; Daniel M. Kammen, University of California, Berkeley; David Blittersdorf, NRG Systems and Earth Turbines, Hinesburg, Vermont; Mark Culpepper, SunEdison, LLC, Beltsville, Maryland; and Donald D. Gilligan, National Association of Energy Service Companies, Sharon, Massachusetts.

HOME AND COMMUNITY-BASED CARE

Committee on Finance: Committee concluded a hearing to examine home and community-based care, focusing on expanding options for long-term care services, after receiving testimony from Senator Harkin; Patrick Flood, Vermont Agency of Human Services, Waterbury; Kevin W. Concannon, Iowa Department of Human Services, Des Moines; Robert D. Liston, Montana Fair Housing, Missoula; and Mitch LaPlante, University of California, San Francisco.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of David T. Johnson, of Georgia, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs), P. Robert Fannin, of Arizona, to be Ambassador to the Dominican Republic, who was introduced by Senator Kyl, and Paul E. Simons, of Virginia, to be Ambassador to the Republic of Chile, after the nominees testified and answered questions in their own behalf.

STRENGTHENING FISA

Committee on the Judiciary: Committee concluded a hearing to examine strengthening the Foreign Intelligence Surveillance Act (FISA), including S. 1927, to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information, and S. 2011, ''The Protect America Act of 2007'', after receiving testimony from J. Michael McConnell, Director of National Intelligence; James A. Baker, Harvard Law School, former Counsel for Intelligence Policy, Department of Justice, and Suzanne E. Spaulding, Bingham Consulting Group, both of Washington, D.C.; James X. Dempsey, Center for Democracy and Technology, San Francisco, California; and H. Bryan Cunningham, Morgan and Cunningham LLC, Greenwood Village, Colorado.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit, who was introduced by Senators Lugar and Bayh, and Robert M. Dow, Jr., to be United States District Judge for the Northern District of Illinois, who was introduced by Senator Durbin, after the nominees testified and answered questions in their own behalf.

GULF WAR ILLNESSES

Committee on Veterans' Affairs: Committee concluded an oversight hearing to examine research and treatment for Gulf War illnesses, after receiving testimony from Michael E. Kilpatrick, Deputy Director, Force Health Protection and Readiness Program, and Colonel Janet Harris, Director, Congressionally Directed Medical Research Programs, Department of

the Army, both of the Department of Defense; Joel Kupersmith, Chief Research and Development Officer, Department of Veterans Affairs; James H. Binns, Jr., Research Advisory Committee on Gulf War Veterans Illnesses, Phoenix, Arizona; Julie Mock, Veterans of Modern Warfare, Inc., Washington, D.C.; Meryl Nass, Mount Desert Island Hospital, Bar Harbor, Maine; Lea Steele, Kansas State University, Topeka, on behalf of the Research Advisory Committee on Gulf War Veterans' Illnesses; and Roberta White, Boston University School of Public Health Department of Environmental Health, Boston, Massachusetts.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 3648–3667; and 7 resolutions, H.J. Res. 52–53; H. Con. Res. 219; and H. Res. 676, 679–681 were introduced. **Pages H10900–01**

Additional Cosponsors: **Pages H10901–03**

Reports Filed: Reports were filed today as follows:

H.R. 3567, to amend the Small Business Investment Act of 1958 to expand opportunities for investments in small businesses (H. Rept. 110–347);

H. Res. 677, providing for consideration of the joint resolution (H.J. Res. 52) making continuing appropriations for the fiscal year 2008 (H. Rept. 110–348); and

H. Res. 678, providing for consideration of the bill (H.R. 2693) to direct the Occupational Safety and Health Administration to issue a standard regulating worker exposure to diacetyl (H. Rept. 110–349). **Page H10900**

Speaker: Read a letter from the Speaker wherein she appointed Representative Welch (VT) to act as Speaker Pro Tempore for today. **Page H10759**

Recess: The House recessed at 9:07 a.m. and reconvened at 10 a.m. **Page H10759**

Chaplain: The prayer was offered by the guest Chaplain, Imam Yusuf Saleem, Masjid Muhammad, Washington, DC. **Page H10760**

Migratory Bird Conservation Commission—Appointment: The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Migratory Bird Conservation Commission: Representatives Dingell and Gilchrest. **Page H10763**

Congressional Award Board—Appointment: The Chair announced the Speaker's appointment of the following Member of the House of Representatives to the Congressional Award Board: Representative Jackson Lee (Texas); and, in addition, Mr. Paxton Baker of Maryland, Mr. Vic Fazio of Virginia, Mrs. Annette Lantos of California, and Ms. Mary Rodgers of Pennsylvania. **Page H10763**

Congressional Award Board—Appointment: Read a letter from Representative Boehner, Minority Leader, in which he appointed the following Member of the House of Representatives to the Congressional Award Board: Representative Bilirakis. **Page H10763**

Congressional Award Board—Appointment: Read a letter from Representative Boehner, Minority Leader, in which he appointed Mr. Cliff Akiyama of California to the Congressional Award Board. **Page H10764**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Monday, September 24th:

Supporting the goals and ideals of "National Life Insurance Awareness Month": H. Res. 584, to support the goals and ideals of "National Life Insurance Awareness Month", by a ⅔ yea-and-nay vote of 412 yeas to 1 nay, Roll No. 896; **Page H10774**

Supporting the goals and ideals of Sickle Cell Disease Awareness Month: H. Con. Res. 210, to support the goals and ideals of Sickle Cell Disease Awareness Month, by a ⅔ yea-and-nay vote of 415 yeas with none voting "nay", Roll No. 897; and **Pages H10774–75**

Supporting the goals and ideals of Veterans of Foreign Wars Day: H. Res. 663, to support the goals and ideals of Veterans of Foreign Wars Day, by a ⅔ yea-and-nay vote of 410 yeas with none voting "nay", Roll No. 898. **Pages H10775–76**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Iran Counter-Proliferation Act of 2007: H.R. 1400, amended, to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, by a ⅔ yea-and-nay vote of 397 yeas to 16 nays, Roll No. 895;

Pages H10764–74

Expressing the ongoing concern of the House of Representatives for Lebanon's democratic institutions and unwavering support for the administration of justice upon those responsible for the assassination of Lebanese public figures opposing Syrian control of Lebanon: H. Res. 548, amended, to express the ongoing concern of the House of Representatives for Lebanon's democratic institutions and unwavering support for the administration of justice upon those responsible for the assassination of Lebanese public figures opposing Syrian control of Lebanon, by a ⅔ yea-and-nay vote of 415 yeas to 2 nays, Roll No. 899; **Pages H10776–78, H10801–02**

Global Poverty Act of 2007: H.R. 1302, amended, to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the United Nations Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day; **Pages H10778–81**

Expressing sympathy to and support for the people and governments of the countries of Central America, the Caribbean, and Mexico which have suffered from Hurricanes Felix, Dean, and Henriette and whose complete economic and fatality toll are still unknown: H. Res. 642, to express sympathy to and support for the people and governments of the countries of Central America, the Caribbean, and Mexico which have suffered from Hurricanes Felix, Dean, and Henriette and whose complete economic and fatality toll are still unknown, by a ⅔ yea-and-nay vote of 418 yeas with none voting "nay", Roll No. 900; **Pages H10781–82, H10802**

Strongly condemning the United Nations Human Rights Council for ignoring severe human rights abuses in various countries, while choosing to unfairly target Israel by including it as the only country permanently placed on the Council's agenda: H. Res. 557, amended, to strongly condemn the United Nations Human Rights Council for ignoring severe human rights abuses in various countries, while choosing to unfairly target Israel by including it as the only country permanently placed on the Council's agenda, by a ⅔ yea-and-nay vote of 416 yeas to 2 nays, Roll No. 901;

Pages H10782–85, H10802–03

Expressing the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month: H. Res. 95, amended, to express the sense of the House of Representatives supporting the goals and ideals of Campus Fire Safety Month, by a ⅔ yea-and-nay vote of 406 yeas with none voting "nay", Roll No. 905; **Pages H10785–86, H10815–16**

Calling on the Board of Directors of the National High School Mock Trial Championship to accommodate students of all religious faiths: H. Res. 25, to call on the Board of Directors of the National High School Mock Trial Championship to accommodate students of all religious faiths;

Pages H10786–89

Making permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency: H.R. 3625, to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency; **Pages H10789–91**

Supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should raise awareness of domestic violence in the United States and its devastating effects on families and communities: H. Res. 590, amended, to support the goals and ideals of National Domestic Violence Awareness Month and to express the sense of the House of Representatives that Congress should raise awareness of domestic violence in the United States and its devastating effects on families and communities, by a ⅔ yea-and-nay vote of 395 yeas with none voting "nay", Roll No. 907;

Pages H10791–93, H10885–86

Stop AIDS in Prison Act of 2007: H.R. 1943, amended, to provide for an effective HIV/AIDS program in Federal prisons; **Pages H10793–96**

Supporting efforts to increase childhood cancer awareness, treatment, and research: H. Res. 470, to support efforts to increase childhood cancer awareness, treatment, and research; **Pages H10796–98**

Correcting technical errors in the enrollment of the bill H.R. 3580: H. Con. Res. 217, to correct technical errors in the enrollment of the bill H.R. 3580; and **Page H10798**

Extending the trade adjustment assistance program under the Trade Act of 1974 for 3 months: H.R. 3375, amended, to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months. **Pages H10798–H10801**

Recess: The House recessed at 5:48 p.m. and reconvened at 6:37 p.m. **Page H10816**

Children's Health Insurance Program Reauthorization Act of 2007: The House agreed to the Senate amendments to H.R. 976, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, by a yea-and-nay vote of 265 yeas to 159 nays with 1 voting "present", Roll No. 906, with the amendment printed in H. Rept. 110–346. **Pages H10816–85**

H. Res. 675, the rule providing for consideration of the Senate amendments, was agreed to by a yea-and-nay vote of 215 yeas to 199 nays with 2 voting "present", Roll No. 904, after agreeing to order the previous question by a yea-and-nay vote of 218 yeas to 197 nays, Roll No. 903. **Pages H10803–15**

Earlier, agreed to the McGovern motion to table the appeal of the ruling of the chair on a point of order raised by Representative Rogers (MI) by a recorded vote of 224 ayes to 190 noes, Roll No. 902. **Page H10804**

Senate Message: Message received from the Senate today appears on page H10885.

Quorum Calls—Votes: Twelve yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H10773, H10774, H10774–75, H10775–76, H10801–02, H10802, H10802–03, H10804, H10814–15, H10815, H10816, H10885, and H10885–86. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 11:08 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies held a hearing on Safety of Imported Foods. Testimony was heard from the following officials of the FDA, Department of Health and Human Services: David Acheson, M.D., Assistant Commissioner, Food Protection; and Stephen Soloman, D.V.M., Office of Regulatory Affairs, Office of Regional Operations; the former officials of the FDA: Benjamin England, Counsel to the Associate Commissioner, Regulatory Affairs; and Carl R. Nielsen, Director, Office of Regulatory Affairs' Division of Import Operations and Policy; and public witnesses.

LEGISLATIVE BRANCH APPROPRIATIONS

Committee on Appropriations: Subcommittee on Legislative Branch appropriations held a hearing on Capitol Visitor Center. Testimony was heard from the following officials of the Office of the Architect: Stephen Ayers Acting Architect; Ken Lauziere, Fire Marshal; and Bernie Ungar, Project Executive, Capitol Visitor Center; and Terry Dorn, Director, Physical Infrastructure Issues, GAO.

FROM IMUS TO INDUSTRY

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing entitled "From Imus to Industry: The Business of Stereotypes and Degrading Images." Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported, as amended, the following bills: H.R. 3521, Public Housing Asset Management Improvement Act of 2007; and H.R. 2930, Section 202 Supportive Housing for the Elderly Act of 2007.

The Committee also began mark up of H.R. 3355, Homeowners' Defense Act of 2007.

Will continue tomorrow.

PEPFAR REAUTHORIZATION

Committee on Foreign Affairs: Held a hearing on PEPFAR Reauthorization: From Emergency to Sustainability. Testimony was heard from public witnesses.

APEC 2007: ADVANCING U.S. EXPORT TO ASIA-PACIFIC REGION

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific and the Global Environment held a hearing on APEC 2007: Advancing U.S. Exports to the Asia-Pacific Region. Testimony was head from Patricia Haslach, Senior Official, Asia-Pacific Economic Cooperation (APEC). Bureau of East Asian and Pacific Affairs; Department of State; and Wendy Cutler, Assistant U.S. Trade Representative, Japan, Korea and APEC Affairs; and a public witness.

COAST GUARD AUTHORIZATION ACT OF 2007

Committee on Homeland Security: Ordered reported, as amended, H.R. 2830, Coast Guard Authorization Act of 2007.

OVERSIGHT—ANTITRUST AGENCIES

Committee on the Judiciary: Task Force on Antitrust and Competition Policy held an oversight hearing on Antitrust Agencies: Department of Justice Antitrust Division and Federal Trade Commission Bureau of Competition. Testimony was heard from Deborah

Platt Majoras, Chairman, FTC; and Thomas O. Barnett, Assistant Attorney General, Antitrust Division, Department of Justice.

MORTGAGE MESS—STRAIGHTENING OUT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on Straightening Out the Mortgage Mess: How Can We Protect Home Ownership and Provide Relief to Consumers in Financial Distress? Testimony was heard from Judge Marilyn Morgan, U.S. Bankruptcy Court, Northern District of California, State of California; and public witnesses.

OVERSIGHT—EMPLOYMENT SECTION CIVIL RIGHTS DIVISION

Committee on the Judiciary: Subcommittee on the Constitution, Civil Rights and Civil Liberties held an oversight hearing on the Employment Section of the Civil Rights Division of the U.S. Department of Justice. Testimony was heard from Asheesh Agarwal, Deputy Assistant Attorney General, Civil Rights Division, Department of Justice; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law approved for full Committee action the following bills: H.R. 2405, Proud to Be an American Citizen Act; H.R. 2884, amended, Kendell Frederick Citizenship Assistance Act; H.R. 1512, To amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; and H.R. 1312, Arts Require Timely Service (ARTS) Act.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 123, To authorize appropriations for the San Gabriel Basin Restoration Fund; H.R. 2498, To provide for a study regarding development of a comprehensive integrated regional water management plan that would address four general areas of regional water planning in both the San Joaquin River Hydrologic Region and the Tulare Lake Hydrologic Region, inclusive of Kern, Tulare, Kings, Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties, California, and to provide that such plan be the guide by which those counties use as a mechanism to address and solve long-term water needs in a sustainable and equitable manner; and H.R. 2535, Tule River Tribe Water Development Act. Testimony was heard from Robert Quint, Acting Deputy Commissioner, Operations, Bureau of Reclamation, Department of the Interior; and public witnesses.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SERVICES DIRECTION

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing on Will NIEHS' new priorities protect public health? Testimony was heard from public witnesses.

ORGAN DONATION

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census and National Archives held a hearing on Organ Donation: Utilizing Public Policy and Technology to Strengthen Organ Donor Programs. Testimony was heard from James Burdick, M.D., Director, Division of Transplantation, Department of Health and Human Services; and public witnesses.

POPCORN WORKERS LUNG DISEASE PREVENTION ACT

Committee on Rules: Granted, by a vote of 7 to 3, with one member voting present, a structured rule providing 1 hour of general debate on H.R. 2693, Popcorn Workers Lung Disease Prevention Act, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of Rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except clause 10 of Rule XXI.

The rule makes in order only those amendments printed in the Rules Committee report. The amendments made in order 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 this 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 a 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. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard fro m Chairman Miller and Representatives Woolsey, and Wilson of South Carolina.

CONTINUING APPROPRIATIONS FISCAL YEAR 2008

Committee on Rules: Granted, by a voice vote, a closed rule providing 1 hour of general debate on H.J. Res. 52, Making continuing appropriations for the fiscal year 2008, in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against the joint resolution and against its consideration except clauses 9 and 10 of Rule XXI. The rule also provides that the joint resolution shall be considered as read. The rule provides one motion to recommit with or without instructions. The rule provides that the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker and tables House Resolution 659. Testimony was heard from Chairman Obey.

INDUSTRIAL TECHNOLOGIES PROGRAM

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on Revisiting the Industrial Technologies Program (ITP): Achieving Industrial Efficiency. Testimony was heard from public witnesses.

ENERGY CHALLENGE—SOCIAL SCIENCES CONTRIBUTION

Committee on Science and Technology: Subcommittee on Research and Science Education held a hearing on the Contribution of the Social Sciences to the Energy Challenge. Testimony was heard from public witnesses.

EMANCIPATION HALL—CAPITOL VISITOR CENTER

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held a hearing on H.R. 3515, To provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall. Testimony was heard from Representatives Jackson of Illinois and Wamp.

RAIL COMPETITION AND SERVICE

Committee on Transportation: Subcommittee on Transportation and Infrastructure held a hearing Rail Competition and Service. Testimony was heard from Senator Dorgan; the following officials of the Surface Transportation Board, Department of Transportation: Charles D. Nottingham, Chairman; W. Douglas Buttrey, Vice Chairman; and Francis P. Mulvey, Board Member; Kenneth C. Clayton, Associate Administrator, Agricultural Marketing Service, USDA; JayEtta Z. Hecker, Director, Physical Infrastructure Issues, GAO; and public witnesses.

BOARD OF VA ADJUDICATION PROCESS

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on the Board of Veterans' Appeals Adjudication Process and the Appeals Management Center. Testimony was heard from the following officials of the Department of Veterans Affairs: Arnold Russo, Director, Appeals Management Center; and James P. Terry, Chairman, Board of Veterans' Appeals; and representatives of veterans organizations.

VA POLYTRAUMA REHAB CENTERS

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations held a hearing on VA Polytrauma Rehabilitation Centers: Management Issues. Testimony was heard from the following officials of the Department of Veterans Affairs: Elizabeth J. Freeman, Director, VA Palo Alto Health Care System; and William F. Feeley, Deputy Under Secretary, Health, Operations and Management.

DRAFT IMPLEMENTING PROPOSAL ON U.S.-PERU TRADE PROMOTION AGREEMENT

Committee on Ways and Means: Approved the draft implementing proposal on the United States-Peru Trade Promotion Agreement.

EXAMINE WHETHER CHARITABLE CONTRIBUTIONS SERVE NEEDS OF DIVERSE COMMUNITIES

Committee on Ways and Means: Subcommittee on Oversight held a hearing to Examine Whether Charitable Organizations Serve the Needs of Diverse Communities. Testimony was heard from public witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, SEPTEMBER 26, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: to hold hearings to examine proposed budget estimates for fiscal year 2008 for the President's supplemental request for the wars in Iraq and Afghanistan, 2 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine the role and impact of credit rating agencies on the subprime credit markets, 9:30 a.m., SD–538.

Committee on Energy and Natural Resources: to hold hearings to examine S. 1543, to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, 10 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the impacts of global warming on the Chesapeake Bay, 9:30 a.m., SD–406.

Committee on Finance: to hold hearings to examine offshore tax issues, focusing on reinsurance and hedge funds, 10 a.m., SD–215.

Committee on Homeland Security and Governmental Affairs: business meeting to consider H.R. 2654, to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the ''Eleanor McGovern Post Office Building'', H.R. 2467, to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the ''Frank J. Guarini Post Office Building'', H.R. 2587, to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the ''Kenneth T. Whalum, Sr. Post Office Building'', H.R. 2778, to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the ''Robert Merrill Postal Station'', H.R. 2825, to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the ''Owen Lovejoy Princeton Post Office Building'', H.R. 3052, to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the ''John Herschel Glenn, Jr. Post Office Building'', H.R. 3106 and S. 2023, bills to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the ''Staff Sergeant David L. Nord Post Office'', H.R. 2765, to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the ''Master Sergeant Sean Michael Thomas Post Office'', and the nomination of Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security, 10 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the nomination of Michael J. Sullivan, of Massachusetts, to be Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives, 2:30 p.m., SD–226.

Committee on Rules and Administration: business meeting to consider the nominations of Robert Charles Tapella, of Virginia, to be Public Printer, Steven T. Walther, of Nevada, Hans von Spakovsky, of Georgia, David M. Mason, of Virginia, and Robert D. Lenhard, of Maryland, all to be Members of the Federal Election Commission, 10 a.m., SR–301.

Committee on Small Business and Entrepreneurship: to hold hearings to examine improving internet access to help small business compete in a global economy, 10 a.m., SR–428A.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review reauthorization of the Commodity Exchange Act, 10 a.m., 1300 Longworth.

Committee on Armed Services, hearing to receive testimony on Army strategic initiatives, 2 p.m., 2118 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing on the Food and Drug Safety Import Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, to continue mark up of H.R. 3355, Homeowners' Defense Act of 2007; and to mark up the following bills: H.R. 3524, HOPE VI Improvement and Reauthorization Act of 2007; and H.R. 946, Consumer Overdraft Protection Fair Practices Act, 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, to mark up the following measures: S. 1612, International Emergency Economic Powers Enhancement Act; H. Res. 635, Recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commend Muslims in the United States and throughout the world for their faith; H. Con. Res. 200, Expressing the sense of Congress regarding the immediate and unconditional release of Daw Aung San Suu Kyi; H.R. 2003, Ethiopia Democracy and Accountability Act; H.R. 2828, to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States embassies in East Africa on August 7, 1998; H.R. 3432, 200th Anniversary Commemoration Commission of the Transatlantic Slave Trade Act of 2007; H. Res. 405, Expressing the strong support of the House of Representatives for implementation of the July 8, 2006, United Nations-brokered agreement between President of the Republic of Cyprus Tassos Papadopoulos and Turkish Cypriot leader Mehmet Ali Talat relating to the reunification of Cyprus; H. Res. 624, Congratulating the State of Israel on chairing a United Nations committee for the first time in history; 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; H. Res. 676, Declaring that it should continue to be the policy of the United States, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability; and H. Con. Res. 203, Condemning the persecution of labor rights advocates in Iran, 10 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, hearing entitled ''Beyond the Checklist: Addressing Shortfalls in National Pandemic Influenza Preparedness,'' 10 a.m., 2311 Cannon.

Committee on Oversight and Government Reform, Subcommittee on Government Management, Organization, and Procurement, hearing on Federal Contracting: Removing Hurdles from Minority-Owned Small Businesses, 2 p.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, hearing ''Third Walter Reed Oversight Hearing: Keeping the Nation's Promise to Our Wounded Soldiers,'' 10 a.m., 2154 Rayburn.

Committee on Rules, to consider the following: H.R. 3121, Flood Insurance Reform and Modernization Act of 2007; and H.R. 3567, Small Business Investment Expansion Act of 2007, 3 p.m., H–313 Capitol,

Committee on Science and Technology, hearing on meeting the need for Interoperability and Information Security in Health IT, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Contracting and Technology, hearing on Small Business Renewable Energy Tax Incentive Possibilities, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Airline Delays and Consumer Issues, 2 p.m., 2167 Rayburn.

Subcommittee on Highways and Transit, hearing on Federal Transit Administration's Proposed Rule on the New Starts and Small Starts Programs, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, hearing on VA IT Reorganization: How Far Has VA Come? 10 a.m., 334 Cannon.

Committee on Ways and Means, to mark up the following: a measure To amend the Internal Revenue Code to exclude discharges of indebtedness on principal residences from gross income; and H.R. 1424, Paul Wellstone Mental Health and Addiction Equity Act of 2007, 10 a.m., 1100 Rayburn.

Permanent Select Committee on Intelligence, executive, briefing on Iran, 1:30 p.m., H–405 Capitol.

Select Committee on Energy Independence, briefing entitled ''Forgoing A Global Warning: International Perspectives,'' 10 a.m., 2175 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Wednesday, September 26

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 1585, National Defense Authorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, September 26

House Chamber

Program for Wednesday: Consideration of H.J. Res. 52—Making continuing appropriations for the fiscal year 2008 (Subject to a Rule) and H.R. 2693—Popcorn Workers Lung Disease Prevention Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E1979, E1980
Barrow, John, Ga., E1979
Bishop, Sanford D., Jr., Ga., E1968
Boyda, Nancy E., Kans., E1967
Burgess, Michael C., Tex., E1979
Capito, Shelley Moore, W.Va., E1970
Capps, Lois, Calif., E1976
Conyers, John, Jr., Mich., E1976
Davis, Lincoln, Tenn., E1967
Dingell, John D., Mich., E1968
Fallin, Mary, Okla., E1968
Farr, Sam, Calif., E1967, E1973
Filner, Bob, Calif., E1974
Green, Al, Tex., E1977
Green, Gene, Tex., E1968, E1971, E1974
Herger, Wally, Calif., E1975, E1976
Hill, Baron P., Ind., E1975
Honda, Michael M., Calif., E1973
Hoyer, Steny H., Md., E1973, E1974
Johnson, Timothy V., Ill., E1970
Kanjorski, Paul E., Pa., E1974
Kucinich, Dennis J., Ohio, E1969
Langevin, James R., R.I., E1968
McHugh, John M., N.Y., E1969, E1972
Mitchell, Harry E., Ariz., E1967
Murphy, Patrick J., Pa., E1970
Paul, Ron, Tex., E1979
Payne, Donald M., N.J., E1971
Reyes, Silvestre, Tex., E1973
Rohrabacher, Dana, Calif., E1977
Serrano, José E., N.Y., E1968, E1971
Sessions, Pete, Tex., E1977
Stark, Fortney Pete, Calif., E1972
Tauscher, Ellen O., Calif., E1971
Watson, Diane E., Calif., E1969
Wolf, Frank R., Va., E1974

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