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House of Representatives

The House met at 10 a.m.

The Reverend Ginger Gaines-Cirelli, Capitol Hill United Methodist Church, Washington, DC, offered the following prayer:

Holy God, in whom we live, move and have our being, we give You thanks and praise for the gift of life, for each new day in which the sun rises and sets affording ever new opportunities to begin again, to love more faithfully, to serve more humbly.

The world in which we live is indeed full of beauty and wonder, but we know that throughout the world there is great suffering and strife. So we pray that the work undertaken by this servant community today will, in ways large and small, bring relief and release to the afflicted.

O God, may a spirit of friendship and reconciliation guide the words and actions of these faithful public servants. Let their discernment over the difficult issues of our day be wise and loving. Grant them strength to persevere in the ways that make for peace.

In all Your holy names we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. SNYDER) come forward and lead the House in the Pledge of Allegiance.

Mr. SNYDER 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 REV. GINGER GAINES-CIRELLI

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

Mr. SNYDER. Madam Speaker, a couple of years ago, at a time when the House was in session through the weekend, a group of us lonely, forlorn Members during the Christmas season on a Sunday morning ended up in the pews of the Capitol Hill United Methodist Church to be greeted warmly by our guest chaplain today, Rev. Ginger Gaines-Cirelli, and her husband. It was the only time I've heard a sermon in which the phrase, during the Christmas season, ''preggers by God'' was used.

We were delighted by her sermon, delighted by her warmth, and she is here with us today. She is a graduate of Southwestern University of Georgetown, Texas, received her master of divinity from Yale Divinity School. She has done church work all of her professional life. Her previous head pastoring job was in Rockville, Maryland. And she has now, for 7 years, with her husband, been the head pastor of the Capitol Hill United Methodist Church. We are very fortunate today to have Rev. Ginger Gaines-Cirelli as our guest pastor.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

OVERRIDE PRESIDENTIAL VETO ON SCHIP

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

Mr. KAGEN. Madam Speaker, tomorrow, this House will consider and answer the question, the most essential question of our time, What kind of Nation are we and which direction shall we move? Shall we guarantee access to health care to our Nation's children, who need it most? Shall we send our children to the costly emergency room or to their family physicians' offices to receive the care they so desperately require?

Whose side are you on? Failing to care for our Nation's children is morally unacceptable. This is the view of the March of Dimes; this is the view of Easter Seals, the faith communities throughout the country, and countless medical organizations across the land.

Tomorrow, I have the honor of representing the hopes and dreams and lives of 11 million children. Join us in overriding the Presidential veto. It's the right thing to do. And let's work together across the aisle to build a better future for all of us.

BURMA

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

Mr. PITTS. Madam Speaker, I'm somewhat puzzled over an event held on Monday this week. The Government of Russia, the Government of China, and a U.N. agency gathered for a conference entitled ''Exploring Cooperative Approaches to Security in Space.'' I find this fascinating, ''Cooperative Approaches to Security in Space''; yet China, with Russia and India's help, is almost single-handedly propping up the brutal dictatorship of Burma.

This is a brutal dictatorship that uses ethnic minorities as human land mine sweepers, has destroyed 3,000 villages and has the highest number of child soldiers in the world.

Perhaps China, Russia, and the U.N. should help bring democracy to Burma, which would bring security and stability to that country, before trying to

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bring security in space. The suffering people of Burma deserve better, but apparently the Chinese and Russian Governments don't think so.

RESTORE ACT

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, today the House will debate the RESTORE Act, a bill that ensures the intelligence community has the tools that it needs to conduct surveillance of foreign targets outside of the United States, while at the same time restoring constitutional checks and balances that were omitted from the Bush administration's FISA bill.

I do not pretend that this is the perfect bill; few bills meet that standard. However, the President has made many false claims about it. For example, he has claimed that this bill will unnecessarily delay the collection of foreign intelligence information and may cause us to ''go dark'' while chasing leads. That's blatantly false.

The RESTORE Act allows for immediate collection in emergency situations without obtaining court approval, so we will never go dark. However, unlike current law, the RESTORE Act puts the FISA Court back in the business of protecting Americans' private communications, just as Congress intended when it created FISA.

To have a truly secure America, without compromising American values, we must fight terrorists without jeopardizing the civil liberties that make our Nation great.

I urge my colleagues to support this legislation.

RESTORE ACT

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

Mr. BOUSTANY. Madam Speaker, Washington Democrats have once again shown their true colors on FISA. Spurred by the ACLU and their leftist liberal friends, Democrats released a weak and ill-conceived attempt at reforming our national security intelligence laws.

Today, advancements in satellite and fiber-optic technologies have led to incredible gains in every area of our society, including health care, economic expansion, education, and military operations. Unfortunately, though, our laws have not advanced and our intelligence community continues to face significant obstacles because of simplistic and antiquated laws.

Make no mistake, we live in a time when extremist groups continue to plot acts of terror against us both abroad and here at home. National Intelligence Director Mike McConnell outlined a list of obstacles he faces with the current FISA law and the tools he needs to correct these problems. Sadly, the bill proposed by the Democrats leaves our intelligence community in the dark. This is too important to play political games with foreign intelligence. We need to vote ''no'' on this bill.

SCHIP

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

Ms. SCHWARTZ. Every day, hard-working moms and dads without health coverage worry about their children getting the care they need.

Under this President's watch, the number of uninsured children in this country has grown for the first time in years, and what has the President done? Nothing. That's right, nothing. This President has done nothing. Will Republican Members of Congress stand with the President and also do nothing, or will they stand with America's children? Ten million children and their families are waiting to find out.

□ 1015

A TRAGEDY OF OUR OWN MAKING

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

Mr. AKIN. I rise to call attention to a tragedy of our own making. In May of this year, a U.S. soldier, Alex Jimenez, along with several of his friends, were captured by al Qaeda. As our intelligence officers wanted to tap into wires to try to find his whereabouts, they were hobbled and had to wait 10 hours for lawyers to get through the FISA Court to allow them to get the critical information they needed. That information lost, this soldier and his compatriots have never been found, although the bodies of one or two have been found.

The Democrats want to expand this FISA process now to our warfighting capabilities and hobble our soldiers to have to wait for hours and hours for lawyers to approve gathering information.

Back when I was in the State of Missouri, we had jokes between farmers and lawyers. They were kind of funny. But this is not a funny joke. How many lawyers does it take to rescue a hostage? The answer should be zero.

Now, the Democrats want to undermine our relationship with Turkey which will cripple our military's efforts.

If the Democrats want to pull our troops out of Iraq then have the courage to defund the war.

Otherwise, stop handicapping our military with bureaucratic red tape that will undermine their mission. The lives of our military personnel are on the line.

HOUSE DEMOCRATS PUT FISA COURT BACK IN BUSINESS

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

Mr. STUPAK. Mr. Speaker, today the House will put the Foreign Intelligence Surveillance Court back in business after being shut down for the past 6 years. House Democrats know that our highest duty is to defend this Nation and protect our citizens. And we also know we can keep this Nation safe without our own government trampling the civil rights of our citizens and the principles upon which this country was founded.

Before 2001, the FISA Court served as a check and balance to the administration to ensure that critical individual rights were not trampled. Such checks and balances have not been in place for the last 6 years. Today, by passing the RESTORE Act, we restore the true role of the FISA Court by addressing the concerns we have with the Bush administration ignoring the FISA Court, jeopardizing our rights, violating our Constitution, and our core principles.

Mr. Speaker, the RESTORE Act is a bill that all Members should be able to support. It provides a proper balance of giving our government the legal tools to go after terrorists without trampling our American beliefs and values.

UPDATE OUR INTELLIGENCE TOOLS

(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, in this day and age of new technologies and vicious unconventional terrorism, we need to provide our intelligence community with the tools and resources necessary to protect our families. That is why we must pass a permanent update to the Foreign Intelligence Surveillance Act that will protect the privacy of Americans while restoring our intelligence-gathering capabilities.

Unfortunately, the RESTORE Act, the Democrat FISA bill, jeopardizes our intelligence capability and provides unprecedented protections for terrorists. It is a step in the wrong direction. The Protect America Act signed into law in August made critical changes that help intelligence officials properly track our enemies. It should be extended.

The National Intelligence Director, Mike McConnell, said this law was urgently needed by our intelligence professionals to close critical gaps in our capabilities and permit them to more readily follow terrorist threats. We should keep American families safer and make these changes permanent.

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

BREAST CANCER AWARENESS MONTH

(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, I rise today to recognize Breast Cancer Awareness Month. Virtually every American has been impacted in one way or another by this deadly disease. More than 3 million women currently live with breast cancer. Each year tens of thousands of our wives, our mothers, our daughters will die from it. One of our colleagues, Congresswoman Jo Ann Davis, was just taken before her time from breast cancer.

Unfortunately, despite medical advances, breast cancer remains the second leading cause of cancer death among American women. In the United States, one in seven will develop the disease during her lifetime. But still a cure remains elusive. Congress hasn't given up the fight. H.R. 1157, the Breast Cancer and Environmental Research Act, and H.R. 715, the Annie Fox Act, are two bills that would bring crucial Federal support to two key areas of breast cancer research: research into environmental causes of the disease, and research into the causes of the disease in young women who tend to develop more aggressive forms of it.

Additionally, in this year's Defense appropriations bill, $127.5 million was approved by the House for breast cancer research.

Women all over the country are organizing to raise national awareness. The Alexandria, Virginia Walk for Breast Cancer Awareness this Saturday is a prime example of the activism which is bound to make a difference in our daughters' lives.

MODERNIZING THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

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

Mr. BARRETT of South Carolina. Mr. Speaker, it has been 30 years since Congress first implemented FISA allowing the use of telecommunications technology against those who threaten the safety of our people and our way of life. The majority party has refused to believe that FISA needs to be modernized in a way that improves our intelligence agencies' capability to gather information, not hamper it.

When FISA passed 30 years ago, technology didn't include devices used now on an everyday basis. Just think, 10 years ago hardly anybody even owned a cell phone. The Director of National Intelligence testified before the House Judiciary Committee that if the government required FISA court orders for surveillance overseas, approximately 66 percent of the information normally collected would be lost.

Therefore, Congress should have its duty to update the tools used by our intelligence officials so that they have the ability to gather all the essential information to prevent future attacks. FISA needs to be modernized.

I encourage my colleagues on the floor today to vote against this flawed FISA bill.

HONORING THE MEMORY OF BRIGADIER GENERAL FELIX SPARKS

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

Mr. PERLMUTTER. Mr. Speaker, I rise today to honor the memory of an American hero, retired Army Reserve Brigadier General Felix Sparks, who recently passed away at the age of 90. Felix Sparks lived a remarkable life.

A Texas native raised in Arizona, he answered our Nation's call to duty in 1940 with his service in the 157th Infantry Regiment of the 45th Division during the Second World War. He fought in the battle of Reipertswiller, the Battle at the Caves of Anzio and also for the liberation of 30,000 prisoners in the Dachau concentration camp.

For his service, he was awarded a Silver Star and two Purple Hearts after being severely wounded on the battlefield. He continued his service in the National Guard until his retirement as a brigadier general in 1977.

Upon his return from the war, Felix and his wife settled in Colorado. Felix went on to become the youngest Supreme Court Justice in Colorado's history at 38 years of age. An expert in water law, he also served for over two decades as the director of the Colorado Water Conservation Board.

In closing, Felix Sparks was an extraordinary public servant who embodied the best of America.

THE RESTORE ACT FALLS SHORT

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

Mrs. BLACKBURN. Mr. Speaker, when we talk with our constituents, we are constantly hearing over and over, protect our freedoms, make certain that America is secure. Making certain that our homeland is secure is something that comes to the forefront this week.

The Democrat RESTORE Act does fall short. It falls short of what is needed to give our intelligence community the effective tools they need to detect and prevent terrorist activities. That is what we want to do, prevent it. This bill would restrict the intelligence community, and in many cases it gives the appearance of favoring those who do not have our best interests at heart. Is that a message that we would seek to send? Our intelligence community deserves the full resources of the Federal Government, not the red tape of a typical bureaucracy.

While we agree that proper oversight is necessary, oversight should never prohibit the men and women in the intelligence community from doing their jobs.

I encourage my Democrat colleagues to reconsider their support for the RESTORE Act.

CONGRESS AND THE CONSTITUTION

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

Mr. YARMUTH. Mr. Speaker, 220 years ago when the Founding Fathers wrote the Constitution of the United States, they chose to create the United States Congress in its first article. That was their way of ensuring that we did try to form a more perfect Union.

Over the last few decades, Presidents and Congresses of both parties, through action and inaction, have allowed our system of checks and balances to go quite askew. Many of us believe that it has reached a tipping point. That is why we will over the next few weeks and months talk about article I, the article of the Constitution which vests all legislative power in a Congress of the United States elected by the people.

The Founding Fathers did not want to see peoples' lives be decided by one decider. They vested their power in the people through their representatives. Over the next few months, we hope to help reassert the authority that the Founding Fathers envisioned for this body.

BROADCASTER FREEDOM ACT DISCHARGE PETITION

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

Mr. PENCE. The time has come to do away with the Fairness Doctrine once and for all. The Broadcaster Freedom Act that I introduced this summer would ensure that no future President could regulate the airwaves of America without an act of Congress. But it is yet to be scheduled for a vote.

Moments ago, along with the full Republican leadership and Congressman GREG WALDEN, I filed a discharge petition on the Broadcaster Freedom Act.

The American people should know that if 218 Members of Congress sign this petition, we can demand an up-or-down vote on legislation that would keep the so-called Fairness Doctrine from ever coming back. I say to my colleagues, if you oppose the Fairness Doctrine, sign the petition. If you cherish the national asset of American talk radio, sign the petition. But if you simply believe that broadcast freedom deserves an up-or-down vote on the floor of the people's House, sign the petition.

Because when freedom gets an up-or-down vote on the people's House floor,

freedom always wins. I urge my colleagues to sign the discharge petition for H.R. 2905, the Broadcaster Freedom Act.

SCHIP

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

Mr. HODES. Mr. Speaker, I rise today to urge my colleagues to exercise the power Congress has under article I of the Constitution and to override the President's veto of the Children's Health Insurance Program. This vote is significant because it underlines the difference between what the President values and what the American people value. To the President and his allies in Congress, $190 billion this year for the occupation in Iraq is a necessity. But $35 billion to provide health care to 10 million uninsured children in America is an extravagance.

If we are successful and we override that veto tomorrow, SCHIP will preserve the coverage of 11,892 children in my home State of New Hampshire and make funds available to cover an additional 8,720 kids. If we are not successful, I personally would like to invite President Bush and his allies in Congress to come home with me to Concord, New Hampshire, and explain to these 20,000 kids why they can't go to a doctor when they break a bone or get medicine when they are sick.

EARMARK MORATORIUM

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

Mr. FLAKE. Mr. Speaker, I introduced legislation last week with the gentleman from Kansas (Mr. MORAN) that would put a moratorium on earmarks until we have a process in place where we can fully vet all earmarks. Earlier this year, the chairman of the House Appropriations Committee said it was simply impossible, that we don't have the resources to investigate every earmark request. I agree. However, rather than approving thousands of earmarks, anyway, the prudent course would be to take a break and reevaluate the system.

Without the resources to vet over 11,000 earmarks in the House and Senate this year, bad earmarks are sure to slip through the cracks. Not only do these earmarks bring embarrassment to Members, they bring shame to the institution. Our constituents expect better of us. They should get it.

Mr. Speaker, the House has traditionally had a process of authorization, appropriation and oversight, a process that we have abandoned in recent years. Until we can get back to that system, we need to take a break from earmarks.

□ 1030

MISSOURI DAY 2007

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

Mr. CARNAHAN. Mr. Speaker, on March 22, 1915, the Missouri General Assembly set aside the third Wednesday of October each year as Missouri Day. Due to the efforts of Mrs. Anna Korn, a native Missourian, Missouri Day is a time for schools to honor the State and for people in the State to celebrate the achievements of all Missourians.

I urge all those from the Show Me State to reflect on the bounty of our great State today and the achievements of Missourians past and present. For Missourians away from home here in Washington, please join fellow Missourians here in our Nation's Capitol tonight from 5:30–7:30 in 1710 Longworth for the Missouri Day 2007 celebration.

HAPPY ANNIVERSARY TO MY WIFE

(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, among all the important decisions and dramatic debates of the day, I would like to pause and remember the personal occurrences that happen to each one of us as Americans, in our lives, each one of us as citizens of the world.

Today, October the 17th, is my anniversary, and I would speak to my wife, the wife of my youth, how I treasure the days of our lives together, the moments stolen from hectic days.

We have been richly blessed with health, home and happiness. We have freedom, good mental acuity, spiritual fulfillment and peace that flows through our lives. Our abiding joy in our Father, the Creator, our pleasure in our grandchildren, our sense of pride in our daughter, and our sense of love and respect for our son-in-law, all are deep wellsprings of cool water that refresh our lives and renew us daily.

My wife is the delight of my life, the sounding board of my ideas, the cause of laughter within me. She is the reason that I strive to be a better person. My wife is my partner in business, my partner in service and my partner in life. She is my wife, the wife that I treasure and love.

God bless my wife, and God bless all spouses who serve with us daily, and God bless this great country.

PROTECTING OUR LIBERTIES AND OUR SECURITY

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

Mr. HOLT. Mr. Speaker, later today the House will vote on the RESTORE Act, on electronic surveillance, which its well-intentioned authors believe will help both protect our liberties and protect our security. It does the latter, but, unfortunately, does not fully do the former.

The bill includes a provision that could be used to spy on Americans without warrants. There is no need for us to pass in haste yet again a bill that does not protect the citizens. We must not give in to the politics of fear. I urge our leadership to make the changes necessary to this bill so that it protects our citizens from both enemy attacks and warrantless government surveillance.

Mr. Speaker, executive branch assurances that the rights of Americans will be protected through administrative procedures are no substitute for judicial protections. In recent weeks and months we have seen too many abuses of administrative warrants to find reassurance in that. We will have the best protection when agencies have to demonstrate to a court that they know what they are doing.

HONORING ERNA WELTE OF STILLWATER, MINNESOTA

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

Mrs. BACHMANN. Mr. Speaker, Minnesota is known as a State of great longevity. We have the longest married couple in the history of the United States living in my district. We also have some of the longest living people in the United States in my district. This week I had the occasion to wish one of my constituents happy birthday on her 102nd birthday.

I want to honor another constituent from my hometown who is 100 this week. I want to wish happy birthday to Erna Welte of Stillwater, Minnesota. She has seen the Great Depression, she has seen World War II, she has seen the space race. She has been alive before television and during television. She has seen it all. But Erna says, ''I don't feel that old.'' She's young at heart.

Just recently, when she celebrated 90 years of age, her granddaughter taught Erna how to drive a car. For the first time, she learned to drive a car. She's a wonderful, witty, wise individual, and I am so grateful for the senior citizens of the United States, particularly those long-living, happy people who live in my district.

Erna, happy birthday to you, and to our Nation's finest, our senior citizens.

SPENDING FOR CHILDREN'S HEALTH CARE VERSUS SPENDING IN IRAQ—A QUESTION OF PRIORITIES

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

Mr. COHEN. Mr. Speaker, President Bush and congressional Republicans have no problem writing blank checks

for the war in Iraq, but ask them to prioritize the health care needs for 10 million low-income children, and they can't be bothered. Every month, every month we are spending $9 billion in Iraq that is borrowed from our children, because the President has always demanded that funding for the Iraq war be classified as emergency spending and, therefore, not subject to the pay-as-you-go rules.

Three-and-a-half months of Iraq war funding equals the funding needed to extend health care coverage to 10 million children over the next 5 years. Unlike the war, our children's health is fully paid for with absolutely no deficit spending; yet President Bush vetoed this bipartisan compromise because he said it included excessive spending.

Mr. Speaker, House Republicans need to show the President that there are other priorities in our Nation besides the never-ending war in Iraq. They should send that message by joining us tomorrow in overriding the President's veto and caring about our Nation's children.

TRIBUTE TO NEBRASKA NATIONAL GUARD 1074TH DIVISION

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

Mr. SMITH of Nebraska. Mr. Speaker, on Friday October 12, the Nebraska National Guard's 1074th returned to a hero's homecoming in North Platte, Nebraska. The 1074th, headquartered out of North Platte, with detachments in Broken Bow, Ogallala, and Sidney, Nebraska, returned to Nebraska after a year-long deployment to Iraq. While in Iraq, the 1074th Transportation Company's primary missions were convoy security and local humanitarian support.

The 1074th tragically lost one of their own. Sergeant Randy J. Matheny, a native of McCook, Nebraska, made the ultimate sacrifice to his country on February 4, 2007. I join my fellow Nebraskans in offering my sincere sympathy and continued thoughts and prayers for the Matheny family.

The reception the 1074th received from families, friends and supporters upon their return to Nebraska was truly inspiring, as thousands, literally thousands of well-wishers welcomed these American heroes home in an incredible display of patriotism and pride. I wish to convey appreciation to the 1074th upon their safe return to Nebraska, and certainly commend Nebraskans for their amazing show of support in giving our soldiers the warm, heartfelt reception they deserve.

RESTORE ACT GIVES INTELLIGENCE COMMUNITY THE TOOLS IT NEEDS TO CONDUCT SURVEILLANCE

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

Mr. PALLONE. Mr. Speaker, today we will restore some important checks and balances to our Nation's intelligence gathering. In August, the Bush administration pushed through Congress a last-minute bill that gave it the authority to go after Americans without warrants, a direct violation of our Nation's Constitution. The administration's bill included ambiguous language that could be read by some as authorizing warrantless domestic searches.

The RESTORE Act clarifies this language and specifically prohibits warrantless surveillance of Americans and requires a court order before targeting American's phone calls or e-mails. It also includes strong new audit and reporting requirements so that Congress knows whose conversations are being captured. We include all these protections, but we also ensure intelligence officials have the ability to conduct responsible surveillance under the law.

Mr. Speaker, every Member of Congress is committed to strengthening our intelligence community and ensuring they have tools they need to keep our country safe. But the RESTORE Act finds the proper balance and should receive strong bipartisan support today.

DISCHARGE PETITION FOR BROADCAST FREEDOM ACT

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

Mr. WALDEN. Mr. Speaker, I join the Congressman from Indiana, my friend from Indiana, MIKE PENCE, in asking our colleagues to sign the discharge petition today to bring the Broadcast Freedom Act to the floor. The Broadcast Freedom Act builds on an initiative that was passed yesterday overwhelmingly by this House to protect the rights of reporters and their sources from government interference so that we can have a vibrant fourth estate, a vibrant press, and free and informed democracy.

Mr. Speaker, the Broadcast Freedom Act would prevent bureaucrats and government agencies from censoring and micromanaging what is said on the public's airwaves. It's all under the guise of restoring the Fairness Doctrine, or so-called, which had an incredible, incredible free speech problem that even the courts recognized. Yet, there are some who don't like what they hear on broadcast and TV talk shows, and the powerful elite in this city would like to restore the Fairness Doctrine. We cannot let that happen, not on religious broadcasters, not on liberal broadcasters, not on conservative broadcasters. Sign the discharge petition. Bring the Freedom Act up for a vote.

PROVIDING FOR CONSIDERATION OF H.R. 3773, RESTORE ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 746 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 746

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution, modified by the amendment printed in part B of such report, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour and 30 minutes of debate, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 3773 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. SNYDER). The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my namesake and good friend, the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

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

GENERAL LEAVE

Mr. HASTINGS of Florida. 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 matter under consideration.

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

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 746 provides for consideration of H.R. 3773, the RESTORE Act of 2007, under a closed rule. The rule provides 90 minutes of debate. Sixty minutes will be equally divided and controlled by the chairman and

ranking minority member of the Committee on the Judiciary. Thirty minutes will be equally divided and controlled by the chairman and ranking minority member of the House Permanent Select Committee on Intelligence.

Mr. Speaker, with the resurgence of al Qaeda and an increasing global threat from weapons of mass destruction in places such as Iran, every single person in this body wants to ensure that our intelligence professionals have the proper resources they need to protect our Nation. As vice chairman of the House Intelligence Committee, I assure you that every one of us on that panel and others, Republican or Democrat, are working tirelessly and often together to do just that. But the government is not exempt from the rule of law, as our Constitution confers certain unalienable rights and civil liberties to each of us.

After the terrorist attacks of September 11, the Bush administration upset that balance by ignoring the Foreign Intelligence Surveillance Act, commonly referred to as the FISA law, establishing a secret wiretapping program and refusing to work with Congress to make the program lawful. Democratic members of the Intelligence Committee, led by the distinguished chairperson, SYLVESTRE REYES, have been trying to learn about the Bush administration's FISA program for years. But the administration, which has been anything but forthcoming, has done everything it can to stop us from doing our job and helping them to do theirs better.

A footnote right there, Mr. Speaker. In today's Washington Post, it is reflected as late as now, when the RESTORE Act is on the floor, the administration has agreed to give certain information to the Senate and still not to the House.

When the administration finally came to Congress to modify the law, it came with the flawed proposal to allow sweeping authority to eavesdrop on Americans' communications, while doing almost nothing to protect their rights. The RESTORE Act, true to its name, restores the checks and balances on the executive branch, enhancing our security and preserving our liberty. It rejects the false statement that we must sacrifice liberty to be secure. It does not go as far as I would want it to go. It does not go as far as some people would like for it to go, but it does protect our liberty and secures this Nation.

The legislation provides our intelligence community with the tools it needs to identify and disrupt terrorist attacks with speed and agility.

Yet another footnote, Mr. Speaker. While we concentrate on surveillance as it pertains to wire, I would have people know that the terrorists by now have been pretty well educated about these matters and may very well be using other methodologies totally unrelated to the telephone.

I remind people when it was leaked to the media that Osama bin Laden was using a certain kind of wire, he hasn't been heard from in that forum since. So let's be very cautious to not put all our eggs in the surveillance basket. There are other methodologies that might be employed that I assure you the intelligence community is mindful of and right on as it pertains to discovering them.

□ 1045

It provides additional resources to the Department of Justice, the National Security Agency and the FISA Court to assist in auditing and streamlining the FISA application process while preventing the backlog of critical intelligence gathering.

The RESTORE Act prohibits the warrantless electronic surveillance of Americans in the United States, including their medical records, homes and offices. And it requires the government to establish a recordkeeping system to track instances where information identifying U.S. citizens is disseminated.

This bill preserves the role of the FISA Court as an independent check on the government to prevent it from infringing on the rights of Americans. It rejects the administration's belief that the court should be a rubber stamp.

Finally, the bill sunsets in 2009. This is a critical provision because it requires the constant oversight and regular evaluation of our FISA laws, actions which were largely neglected during the last 6 years of Republican rule.

Mr. Speaker, all the American people have to do is pick up a newspaper to read about what happens when this government has unfettered access to warrantless electronic surveillance. According to a letter to Congress from a company executive, Verizon alone has fielded almost 240,000 phone record requests from the FBI since 2005. Nearly 64,000 of these requests, or over one-quarter of them, were made without a warrant.

This is almost 100 phone record requests per day by our government to Verizon seeking private information about our citizens, without a warrant. Realize, we are just talking about requests made to Verizon by the FBI. And these are just the requests that Verizon told Congress about this week because the Bush administration has consistently refused to answer our questions about the President's program.

Even more, it doesn't factor in the hundreds of thousands of requests that were made to other phone companies during the same time that we don't know about.

Mr. Speaker, if we have learned anything since the terrorist attacks of September 11, it is that the balance between security and civil liberties is not only difficult, but absolutely critical.

The RESTORE Act does absolutely nothing to block or hinder the efforts of our intelligence community. And Member after Member on the other side of the aisle are going to come down here and comment that it is hampering our intelligence efforts. Quite the contrary. It enhances their ability to do their jobs effectively and ensures the integrity of their efforts. I urge my colleagues to support this rule and the underlying legislation.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my good friend and namesake, Mr. HASTINGS, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. HASTINGS of Washington. Mr. Speaker, yesterday the Rules Committee held a hearing to consider a rule for H.R. 3773, the RESTORE Act. At the outset of the hearing, the chairwoman of the Rules Committee did something that Republicans would not have even contemplated when we were in the majority.

Before Members of Congress even had an opportunity to testify before the Rules Committee, the chairwoman announced that the rule would be closed. She further went on to say no notice was sent out seeking amendments from Members, yet at least 27 amendments on a bipartisan basis were submitted to the committee. I guess, Mr. Speaker, we know now that no amendment announcement is code for no opportunity for meaningful, open debate. While surprising, this action is, unfortunately, not unprecedented for this Democrat-controlled Rules Committee.

I would like to thank all Members for submitting their thoughtful amendments on behalf of those they represent. And I especially would like to thank the Members who chose to stay and testify despite learning from the very start that their amendments would not be made in order.

It is sad that yesterday the minds and ears of the Democrat members of the Rules Committee were closed to even allowing for the consideration of amendments and alternatives to legislation, important legislation aimed at closing loopholes and strengthening our national intelligence capabilities.

Mr. Speaker, in 1978 Congress enacted the Foreign Intelligence Surveillance Act, or FISA, to establish a procedure for electronic surveillance of international communications. As enacted into law, FISA had two principle purposes: First, to protect the civil liberties of Americans by requiring the government to first obtain a court order before collecting electronic intelligence on U.S. citizens in our country. Second, the law specified how intelligence officials, working to protect our national security, could collect information on foreign persons in foreign places without having to get a warrant.

The intent of the original FISA law was to enhance American security while at the same time protecting American privacy. Recognizing that no

responsibility of the Federal Government is more important than providing for the defense and security of the American people, Congress should be doing all it can to ensure that FISA continues to reflect the intent of the original law.

In the nearly 30 years since FISA became law, we have seen tremendous advances in communication technology such as the Internet, cell phones and e-mail. However, under the original FISA law, our intelligence officials are not free to monitor foreign terrorists in foreign countries without a court order because of advances in communication technology. It is clear that our FISA laws are outdated and must be modernized to reflect changes in communication technology over the past three decades.

In August, Congress in a bipartisan manner took an important first step forward to close our Nation's intelligence gap; but, unfortunately, only for a 6-month period. The Protect America Act passed only after repeated attempts by Republicans to give our Nation's intelligence professionals the tools and the authority they need to protect our homeland. This action was long overdue and this law marked a significant step towards improving our security.

Now Congress must act again to renew this law by early next year before it expires or our national security will once again be at risk. Unfortunately, the legislation before us today, the RESTORE Act, does not provide the security we need to protect our troops and our Nation from a potential future terrorist attack. The bill also weakens Americans' privacy protections and fails to permanently close our Nation's intelligence gap.

Specifically, Mr. Speaker, the RESTORE Act does not go far enough to reform outdated FISA regulations that burden our troops in the battlefield. It contains no provision for third parties to challenge FISA court orders. The bill also creates a centralized database that could actually increase the risk of privacy violations. Another major concern is that the RESTORE Act contains yet another sunset provision that forces the bill to expire on December 31, 2009, unnecessarily leaving our intelligence officials without the tools they need to protect Americans.

It is alarming to me that this rule brings a bill to the House floor that goes so far as to weaken American privacy provisions while at the same time strengthening protections of our enemies in times of war.

Mr. Speaker, as I mentioned earlier, nearly 30 amendments were submitted by Members on both sides of the aisle to address these and other concerns with the Democrat majority's failed attempt to update our current FISA laws. However, none of these amendments, which ranged from permanently strengthening our FISA laws to acquiring communications of foreign terrorists in foreign countries without a FISA court order, were allowed to be considered on the House floor today under this rule.

Mr. Speaker, it is truly disappointing to me that every Member of this House is prohibited from offering changes to this bill that could make it more effective in our constant battle to prevent a future terrorist attack against our Nation. After all, if we cannot come together and work in a bipartisan manner on issues as important as improving our national security, then what can we work together on.

Sadly, because the Democrat majority has chosen to consider the RESTORE Act under this closed process, working together in a bipartisan manner will not be possible. Instead, if this rule is adopted, Members will only have a choice to vote for or against a seriously flawed bill that threatens, not improves, our national security. Sadly, this closed process shuts out all American voices from being heard and, ultimately, every American could suffer consequences if this rule and bill are adopted. Therefore, I urge my colleagues to vote against the rule.

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

Mr. HASTINGS of Florida. Mr. Speaker, before I yield, I would like to assist my colleague from Washington, who is my good friend and was in the majority last year when the Wilson bill, H.R. 5825, the Electronic Surveillance Modernization Act, was considered by the House. It was considered under a closed rule, H. Res. 1052, which self-executed an amendment in the nature of a substitute in lieu of amendments recommended by the Judiciary and Intelligence Committees. I think that is the precedent.

Mr. Speaker, I am very pleased to yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL), my very good friend who serves on the Ways and Means Committee and the Homeland Security Committee.

Mr. PASCRELL. Mr. Speaker, I thank my friend from Florida, and I rise this morning to speak in favor of the rule on the RESTORE Act, H.R. 3773. I believe this is an appropriate rule given the large number of amendments that were considered in both the House Judiciary and Intelligence Committees.

I want to highlight some of the most important provisions in the bill provided through this rule and steps that I believe can be taken to strengthen the intent of the legislation.

Mr. Speaker, section 5 of the current legislation requires quarterly audits by the Justice Department Inspector General on communications collected under this legislation, which would then be provided to the FISA Court and to Congress. In the end, the issue is that without outside oversight, such as the FISA Court, you put a huge amount of authority in the hands of a very small number of people and leave an awful lot to their individual judgment in dealing with very sensitive issues of personal privacy.

I hope that under this section the Justice Department Inspector General would also be inclined to include statistical information, as is possible, relating to the sex, race, ethnicity, religion and age of U.S. persons identified in intelligence reports obtained pursuant to the legislation. This data will help our intelligence agencies, the FISA Court and the Congress to gain a clear overview of intelligence collection on Americans swept up through these types of investigations and would create the necessary oversight to judge whether a pattern of profiling is occurring.

I want to draw attention to the Schakowsky amendment which was approved by the Intelligence Committee. This would require that the FISA Court approve guidelines to ensure that an individual FISA court order is sought when the significant purpose of an acquisition is to acquire the communications of a specific U.S. person reasonably believed to be located in the United States.

□ 1100

This is a vital provision to the bill that makes clear that no American can be the target of surveillance under this bill unless an individual warrant is obtained from the FISA Court.

Under this provision, I hope we will also make clear the sensitivity surrounding communications between Americans and family members who may live abroad. We need to make certain that no American, regardless of their foreign family connections, can be the target of surveillance without an individual warrant being obtained from the FISA Court.

We're not trying to protect foreigners. We're trying to protect Americans and safeguarding the Constitution.

I thank the Speaker for the time. I want to thank you, and I hope that the Members will approve the appropriate rule on the RESTORE Act. I thank my friend.

Mr. HASTINGS of Washington. Mr. Speaker, how much time is there on both sides?

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) has 23 minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 19 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 4 minutes to the distinguished ranking member of the Rules Committee, Mr. DREIER of California.

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

Mr. DREIER. Mr. Speaker, I thank my friend from Pasco for yielding and congratulate the Hastings cousins for their management of this very, very important measure.

Mr. Speaker, yesterday afternoon eight of our colleagues sat before the dais of the Rules Committee with 27 different proposed amendments that

they wanted to offer to improve this very important measure, to work in a bipartisan way to improve it. Before they were able to utter their first words, they were told in response to a question that came from our friend from Pasco, Mr. HASTINGS, that this was going to be a closed rule.

Now, Mr. Speaker, a closed rule means that no amendment is offered. No alternative proposal is allowed at all. We simply get the measure that is before us, and that is it. Now, that's when there were 27 different amendments that were proposed and, as I said, eight Members waiting to offer and discuss their ideas. They were completely shut out from that.

Now, Mr. Speaker, it saddens me to report to this House that we, today, have achieved something that is not great for this institution. As of today, Mr. Speaker, in the 110th Congress, we have had more closed rules in a single session of the United States House of Representatives than we have in the 218-year history of this great institution. The sad thing about that, Mr. Speaker, is the fact that we were promised something much different, and this bill is critically important for our Nation's security.

One of the very thoughtful proposals to come forward made great sense. It's the idea of saying that when the government asked the private sector to help us work to interdict those communications taking place among people who are trying to kill us, terrorists who are trying to kill us, we should allow them to do that. We should allow them to have immunity from the threat of prosecution if that, in fact, is being utilized. But unfortunately, our colleagues on the other side of the aisle have failed to allow that proposal, for those people who were asked by the government to help us win the global war on terror, to make sure that Osama bin Laden and other terrorists do not have the potential to kill us.

And now what we've been told, and I heard countless Democrats say, oh, these people in the telecommunications industry, they've got enough money, they're making enough money, let them stand on their own. Well, Mr. Speaker, that is just plain wrong, and we, unfortunately, with this rule, are not even allowed a chance to debate that, which, to me, is absolutely outrageous.

What we have before us, Mr. Speaker, is a closed rule on a bad bill that can't become law. Tragically, that's a pattern that we have been facing for a while. The exact same thing has happened on the bill that we're going to be voting after it was sent here 2 weeks ago on SCHIP legislation. We're going to be voting on that tomorrow.

So, Mr. Speaker, let me just say again, this is a closed rule on a bad bill that can't become law. We've got to defeat this rule. We've got to make sure that those people who are working to keep this country safe have all the tools necessary to make that happen.

Mr. HASTINGS of Florida. Mr. Speaker, I make one reference to the Computer and Communications Industry Association which writes in support of the House Judiciary Committee's approach to retroactive immunity, contrary to what the previous speaker, my good friend, the ranking member, just said regarding that matter.

Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey, a distinguished member of the Intelligence Committee, my good friend Rush Holt, who is also Chair of the Special Intelligence Oversight Committee.

Mr. HOLT. Mr. Speaker, I thank the gentleman.

The RESTORE Act, which its well-meaning authors believe will both help protect our liberties and our security, does the latter but, unfortunately, does not fully do the former. If I had more time, I would talk about the good features of this bill, but in the time I have, I would like to point to the one thing that it needs most, that it lacks, which is ironclad language that maintains the fourth amendment's individual warrant requirement when Americans' property or communications are searched and seized by the government.

The RESTORE Act would allow the government to collect the communications of innocent Americans. The executive branch assurances that the rights of Americans will be protected through administrative procedures are no substitute for judicial protections. In recent weeks and months, we've seen too many abuses of administrative warrants to find any reassurance or to even find these assurances believable.

Yes, I voted ''yes'' in committee to bring this to the floor, with the assurances that we would work to get it better. I regret to say that I've seen no effort to resolve this point. It could be fixed easily to the safety of Americans, because Americans will be safer when agencies have to demonstrate to a court that they know what they are doing. We get better intelligence, just as we get better law enforcement, when you do it by the rules.

In fact, my own leadership I believe would deny me time to speak on this issue to try to strengthen this bill, but for the sake of the security of Americans, I implore the leadership to make these improvements.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

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

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

I rise in strong opposition to this rule and the underlying legislation.

I stand before the House as a member of Mr. HOLT's new House Special Intelligence Oversight Panel and as a lifelong resident of New Jersey, a State which is still feeling the heartrending damage of September 11, 2001. We will never forget what happened that day, and I work each and every day to prevent another such attack.

I recognize that achieving the proper balance between our national security and our civil liberties is a real challenge, but we must also recognize that our war against violent international extremists is the first conflict of the information age.

With our technical assets and expertise, the United States is far better at gathering information at this point in history than our enemies. This is an advantage we must exploit to better protect the American people from those who would do us harm.

Then why are we on the floor debating a rule on legislation that essentially amounts to unilateral disarmament on our part?

Last August, Congress enacted the Protect America Act, legislation that sought to modernize the old Foreign Intelligence Surveillance Act, FISA, and closed dangerous loopholes that prevented our intelligence community from monitoring overseas communications between al Qaeda members and other terrorist groups plotting and planning their next attack on U.S. citizens and our interests at home and abroad. These were not conversations involving Americans. These were communications between foreign targets overseas.

Director of National Intelligence McConnell asked Congress to ''make clear that court orders are not necessary to effectively collect foreign intelligence about foreign targets overseas.'' I repeat, ''foreign intelligence about foreign targets overseas.''

But this new proposed legislation would not only undo the progress made by the Protect America Act, but it would do further damage to our collection efforts.

Since it was enacted in 1978, FISA never required our government to acquire court orders for foreign communications of persons reasonably believed to be outside the United States. This bill would require such a court order, thus gutting 30 years of foreign intelligence collection.

Once again, Mr. Speaker, I understand that achieving the proper balance between our national security and our civil liberties is a challenging task. I believe the Protect America Act achieved this goal. The bill required a warrant to target a person in the United States but allowed U.S. intelligence agencies to listen to foreign persons in foreign countries.

Why is this important? Because speed matters in a war on terrorism, where terrorists are using our communications networks, not theirs, in order to try to harm us. This is not about politics. It's about ensuring that we give our security personnel the tools they need to help protect our families from future terrorist attacks.

Mr. Speaker, unfortunately, I fear the RESTORE Act will live up to its

name. It will restore our intelligence community to the days when their hands were tied and they could not monitor the communications of al Qaeda members and other terrorists overseas without lengthy legalistic procedural delays.

Terrorism is an international threat that requires (international) technology to solve.

I urge my colleagues to restore our intelligence community's hard-earned technological advantage over al Qaeda and their murderous comrades. Protect America.

I urge defeat of this rule and rejection of the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished chairperson of the Intelligence Committee, SILVESTRE REYES.

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

Mr. Speaker, due to an administrative error, the following cosponsors were left off the list of cosponsors for this bill, H.R. 3773: Representative ANNA ESHOO from California; Representative DUTCH RUPPERSBERGER from Maryland; Representative DENNIS MOORE from Kansas; Representative CIRO RODRIGUEZ from Texas; Representative EARL POMEROY from North Dakota; Representative LEONARD BOSWELL from Iowa; Representative BARON HILL from Indiana; and Representative PATRICK MURPHY from Pennsylvania.

I would like to thank them for their cosponsorship and ask that they be recognized as such, and I would finish up by saying this is a good rule. This is also a good bill that balances the ability to protect our country with the ability to protect the civil rights of its citizens.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 4 minutes to the gentleman from California (Mr. ROYCE), a member of the Foreign Affairs Committee.

Mr. ROYCE. Mr. Speaker, I thank the gentleman. I'm rising to oppose the rule.

For the first time, this bill would stop intelligence professionals from conducting surveillance of foreign persons in foreign countries unless they can read the mind of their terrorist targets and guarantee that they would not call the United States or one of their people in the United States. This is more protection than Americans get under court-ordered warrants in mob and other criminal cases.

So the issue we're debating today is very important. It is a matter of life and death essentially.

I serve as ranking member of the Terrorism and Nonproliferation Subcommittee. That there has not been a terrorist attack on our soil since 9/11 is due to the improved surveillance in real-time that we're able to conduct against foreign terrorists.

That good record, though, in no way should lead us to discount the jihadists, because the image of Osama bin Laden's allies operating in some remote terrain somewhere may give the impression that our foes are isolated. They are not isolated.

We are confronting a virtual caliphate. Radical jihadists are physically dispersed, but they're united through the Internet, and they use that tool to recruit and plot their terrorist attacks. They use electronic communications for just such a purpose, and they're very sophisticated in that use.

So how has the West attempted to confront that? Well, the British use electronic surveillance in real-time, and they used it last year to stop the attack on 10 transatlantic flights. They prevented that attack in August of last year by wiretapping.

The French authorities used wiretaps to lure jihadists basically into custody and prevented a bomb attack.

Given this threat, it is unfathomable that we'd weaken our most effective preventative tool, and that's exactly what this bill does.

Before we passed the Protect America Act in August, the Director of National Intelligence told Congress that we are losing up to two-thirds of our intelligence on terrorist targets. Admiral McConnell went on to testify, ''We're actually missing a significant portion of what we should be getting.''

Though Admiral McConnell has served both Democrat and Republican administrations with distinction, now his credibility has been attacked. I'd ask those so distrustful: Go ahead, discount his estimate, cut them in half, say we'd lose one-third of our intelligence by passing this bill. Isn't that too much to give up? I don't want to lose a single percent of our intelligence on terrorist communications. With nuclear and biological material floating around this globe, we don't have that margin of error.

We've heard the ACLU concerns, but before we unilaterally disarm, before we hobble our ability to listen in real-time to the very real terrorists who are attacking our troops in Iraq every day, shouldn't we have something of an accounting of the supposed civil liberties price we're paying? Frankly, I don't see the troubling cases.

What I do see is the very misguided concern for the civil liberties of foreigners having conversations with terrorists.

This bill grants privacy protection to foreigners, those believed to be terrorists, by requiring the intelligence community to seek court orders to collect foreign intelligence on foreign targets.

□ 1115

This process in the past has clogged the FISA Court, it has wasted untold intelligence hours, it has pulled Arabic and Urdu and Farsi speakers off of listening to terrorist cases and put them on filing hundreds of pages of paperwork. FISA restrictions hindered the search for kidnapped Americans in Iraq.

My colleagues, it has come down to this: Are we interested in best protecting American lives, or giving away privacy rights to foreigners involved in conversations with terrorists?

Mr. HASTINGS of Florida. Mr. Speaker, I yield to my distinguished friend and colleague from Texas, SHEILA JACKSON-LEE, 1 minute. But before I do, I would like to have Mr. ROYCE understand that he is entitled to his opinion but he is not entitled to his facts. And the facts as he recited them with reference to what Director O'Connell said occurred under the old FISA law, not this one. And I might add, that old FISA law was good enough to participate in bringing down the German possible terrorists.

With that in mind, I would like to yield 1 minute to the distinguished gentlelady from Houston, Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Let me thank the distinguished gentleman from Florida, a former jurist, and let me acknowledge that the RESTORE Act is the right balance between national security and the protection of our civil liberties.

I beg to differ with my good friend from California because in fact there are elements of this bill that clearly provide the parameters for foreign-to-foreign surveillance. The only difference is the fact that we protect an American citizen who may be targeted inappropriately as the court intervenes in providing a warrant.

My friends, we are moving forward to secure America. I support this rule and I support the rule in its present form, because we need to now substitute a real bill that secures America supported by the language of Director McConnell and as well provides the civil liberties that all Americans deserve. I look forward to the debate on the floor. The RESTORE Act is what it is says, protecting us and providing the right surveillance and ensuring that terrorists do not attack America.

Mr. Speaker, I rise in support H. Res. 746, the rule governing debate on H.R. 3773, the RESTORE Act. I thank the gentlemen for yielding and wish to use my time to discuss an important improvement in the bill that was adopted in the full Judiciary Committee markup.

The Jackson-Lee Amendment added during the markup makes a constructive contribution to this important legislation that already is superior to the misnamed "Protect America Act" by orders of magnitude. It does this simply by laying down a clear, objective criterion for the Administration to follow and the FISA court to enforce in preventing reverse targeting.

"Reverse targeting," a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the major concerns that libertarians and classical conservatives, as well as progressives and civil liberties organizations, have with the PAA is that the understandable temptation of national security agencies to engage in reverse targeting may be difficult to

resist in the absence of strong safeguards in the PAA to prevent it.

My amendment reduces even further any such temptation to resort to reverse targeting by requiring the Administration to obtain a regular, individualized FISA warrant whenever the "real" target of the surveillance is a person in the United States.

The amendment achieves this objective by requiring the Administration to obtain a regular FISA warrant whenever a "significant purpose of an acquisition is to acquire the communications of a specific person reasonably believed to be located in the United States." The current language in the bill provides that a warrant be obtained only when the Government "seeks to conduct electronic surveillance" of a person reasonably believed to be located in the United States.

It was far from clear how the operative language "seeks to" is to be interpreted. In contrast, the language used in my amendment, "significant purpose," is a term of art that has long been a staple of FISA jurisprudence and thus is well known and readily applied by the agencies, legal practitioners, and the FISA Court. Thus, the Jackson Lee Amendment provides a clearer, more objective, criterion for the Administration to follow and the FISA court to enforce to prevent the practice of reverse targeting without a warrant, which all of us can agree should not be permitted.

I hasten to add, Mr. Speaker, that nothing in the bill or in my amendment will requires the Government to obtain a FISA order for every overseas target on the off chance that they might pick up a call into or from the United States. Rather, the bill requires, as our amendment makes clear, a FISA order only where there is a particular, known person in the United States at the other end of the foreign target's calls in whom the Government has a significant interest such that a significant purpose of the surveillance has become to acquire that person's communications.

This will usually happen over time and the Government will have the time to get an order while continuing its surveillance. And it is the national security interest to require it to obtain an order at that point, so that it can lawfully acquire all of the target person's communications rather than continuing to listen to only some of them.

In short, my amendment gives the Government precisely what Director of National Intelligence McConnell asked for when he testified before the Senate Judiciary Committee:

"It is very important to me; it is very important to members of this Committee. We should be required—we should be required in all cases to have a warrant anytime there is surveillance of a US [sic] person located in the United States."

In short, my amendment makes a good bill even better. For these reasons, I am happy to support the rule and urge all members to do likewise.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the Intelligence Committee.

Mr. TIAHRT. I thank the gentleman from Washington.

I rise in strong opposition to this bill. I am extremely concerned about our national security and I am deeply troubled that our intelligence community will be prevented from doing the job they need to do to protect Americans by this bill. For that reason, I strongly oppose the RESTORE Act as it will only further tie the hands of our intelligence community.

If this bill passes, Congress would depart from the recommendations of the 9/11 Commission by making it more difficult and cumbersome to gather intelligence on Islamic terrorists. Our most important job here is to provide the tools to those charged with protecting our Nation and keeping us safe from those threats. In the last 6 years we have been kept safe in this country because we have had a sharp edge on the tools that we have been using to peel back the layers of secrecy on terrorists and terrorist organizations.

This bill requires a court order to gather communications when a foreign terrorist in a foreign country tries to contact somebody in the United States. Since 1978, from President Carter to President Clinton, there was never a concern. Yet now, after we have had attacks on our U.S. soil and are well aware there are terrorist cells in our homeland, the Democrats want to prevent the intelligence community from intercepting communications of foreign terrorists.

To my knowledge, no violation of civil rights has occurred in the FISA process. However, as this bill is written, the Democrats have opened the door for alarming violations of civil liberties by requiring the intelligence community to compile a database of reports on the identities of U.S. citizens that have inadvertently been accumulated in the process of gathering information. As the Washington Times noted this morning, apparently pandering to the left-wing blogosphere and the ACLU is a higher priority than the safety of Americans and even American GIs fighting al Qaeda.

Normally, under current guidelines, the intelligence community blacks out all these names and they never get distributed anywhere. They are just simply eliminated from the database. But now, under this bill, we see the Democrats requiring a list be sent to Congress. And we all know that we have had leaks here in Congress. You would think the ACLU would be opposed not only to compiling such a list but distributing it to Congress. We have had leaks related to the way we collect information on individuals through electronic conversations, we have had leaks about how we have e-mails that have been reviewed on terrorist Web sites, we have had leaks that caused our allies in Europe to no longer cooperate when it comes to tracking terrorist financing. For us to give this type of information to Congress would almost certainly guarantee a leak and a violation of the civil liberties of those individuals who it inadvertently picked up in the process of trying to find terrorists working within our country trying to do harm.

This is a bad bill. It goes back and dulls the tools, this edge that we have been using to keep the country safe. If it is passed and it becomes law, I would fear for the safety of this country because dulling the tools that have kept us safe for 6 years would put us in a much more vulnerable position than we are today.

Over 2 months ago, the DNI, Mike McConnell, the man charged with overseeing the intelligence community, urged us to modernize the FISA law. But this does not do it. This sets us backwards.

Mr. HASTINGS of Florida. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Florida controls 15 minutes. The gentleman from Washington controls 9½ minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I am prepared to reserve my time. And as a matter of courtesy to my good friend from Washington and to you, Mr. Speaker, I would like to indicate that I will be replaced in managing the time, although not required under the rules, by my distinguished colleague from New York, MICHAEL ARCURI.

I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to another member of the Intelligence Committee, Mr. ROGERS of Michigan.

Mr. ROGERS of Michigan. I want to commend Mr. HASTINGS. We have worked on many issues of which we have agreed strongly in the betterment of national security. I couldn't more strongly disagree with this bill and where we are going today.

As one of the very few people on this floor that has actually gone out and developed sources and developed the leads that you possibly need to develop probable cause as a former FBI agent to either bug or intercept phones, offices, or other privileges communications between Americans, I can tell you the long and arduous process it takes to develop that, to go to the judge and say, Your Honor, I do believe that these people are engaged in criminal activities and here is why. And it takes months and months and months. So let me tell you what this bill does today that is so disturbing.

Non-United States citizens who are insurgents in Iraq building IEDs that our troops are trying to intercept electronically are now given more rights to privacy than we do for gamblers, degenerate gambling operations developed under the criminal code in the United States of America. That, my friends, is true. Incidental communications, you don't have to go back to the judge, you continue to listen. But what we have done is we have set a standard that every time they want to go overseas and intercept these folks, the standard of the bar is set so high they have to go get a court order. They have to get a warrant. And it takes months.

This isn't about Hollywood. This isn't about Jack Bauer. This is about

real people having to develop probable cause in accordance with the law of the United States. And what you said is that insurgent in Iraq has more privacy rights than any criminal, any United States citizen under the criminal code of the United States of America. That is what you have done with this bill. Oh, yes, sir, it is. Read the language and understand what it takes for them to go through the process to develop probable cause.

This is the confusion that led to the delay that may have cost the lives of United States soldiers. We all know the example of which we are talking about.

This bill encourages that confusion and that standard to give foreign terrorists in a foreign land more privacy rights than United States citizens under the criminal code here. It's wrong.

We often say, listen to the intelligence community, listen to our commanders on the ground. I implore you to do just that. They oppose this bill because it makes it harder for them to go after foreign terrorists in foreign lands plotting to kill either U.S. soldiers or even attacks against our homeland or our allies. This bill does all of those things.

I don't ever doubt the intention of my friends, but words matter in the legal code. And when you stand before that judge, believe me, there is no agent that believes they are Jack Bauer and are going to fudge a little bit on what the Constitution asks and tells them they must do. They are going to err on the side of the United States Constitution every time. And for those who don't, they deserve to go to jail, and we do prosecute those occasionally. But what you are saying is we are going to create this whole system for foreign terrorists to give them more rights than the privacy of United States citizens. I strongly urge the rejection of this bill. Let's go back to the table and protect our United States citizens.

Mr. ARCURI. I thank my colleague, and as a former prosecutor for 13 years, I have stood before a judge many times and made application for warrants on a number of different occasions. And, frankly, I certainly respect his position; but he is just not correct on this.

This legislation not only gives our country the ability to do what needs to be done to protect us, but more importantly and equally as important certainly it protects our civil rights. So it does both things: It protects our civil rights and gives us the ability to keep our country safe.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, once again, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from Washington controls 6½ minutes; the gentleman from New York controls 14½.

Mr. HASTINGS of Washington. Mr. Speaker, at this time I am pleased to yield 2 minutes to a member of the Judiciary Committee, Mr. GOHMERT of Texas.

Mr. GOHMERT. Mr. Speaker, once again we have heard from across the aisle, this is not true that we are saying you will have to get warrants for foreign-to-foreign, because the bill says in section 2(a), gee, you don't have to get a court order if it is between persons not U.S. citizens not located within the United States.

The problem is, when you look at 2(b) and 3 and section 4, it says: If you can't be sure and you are risking a felony if you are not, if you can't be sure that they may not call somewhere in the United States, you have got to get a court order. That is the bottom line. That is what Admiral McConnell testified.

I realize some people on the other side may think he is suspect because he was the National Security Adviser under the Clinton administration for several years, but I think he is a very credible source.

As a former judge and chief justice, I realize we have got lawyers in here, but I am telling you, when the language says if there may be a call to the United States or to an American, you have got to get a court order, then you are going to have to get them in virtually every time.

But we keep hearing no, no, all that is covered. Once again, we are told something is covered when again it is nothing but a hospital gown coverage. You are exposed in areas you don't want exposed. And that is what the country is looking at.

Now, it also requires the DNI and the AG to jointly petition. Oh, and there is great comfort in this bill. It says the judge, once they finally get the papers filed, will have to rule in 15 days. If we get a soldier kidnapped, we have some sensitive situation, and maybe it is an emergency, maybe it is not, but you can't take a chance of being guilty of a felony, you are going to have to follow through and get a court order. That is what the DNI says and that is what needs to be done.

Now, the main protection here is not for American citizens in general, it is for foreign terrorists. The bottom line is, tell your American friends who are getting calls from foreign terrorists in foreign countries not to call them. Use some other way to communicate, and then your friends are covered.

Mr. ARCURI. It is sad that my colleague attempts to change the actual meaning of what this statute does. It gives no protection to terrorists. It gives protections only to Americans, and it keeps us safe and it gives us the protections that are guaranteed us under the Constitution.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield at this time 2½ minutes to a member of the Judiciary Committee, Mr. FRANKS of Arizona.

Mr. FRANKS of Arizona. I thank the gentleman.

Mr. Speaker, the bill here at issue, the so-called RESTORE Act, undermines the existing structure that we put in place to reform FISA only 3 months ago.

In the midst of a war, any changes to the way that our intelligence community operates should be understood as a somber and delicate undertaking that requires great care. Our national security hangs in the balance. We cannot afford to get this wrong, Mr. Speaker.

My amendment aimed to deal with the seriously flawed provision of the RESTORE Act that will do great damage to the civil liberties of the protections of Americans.

□ 1130

My amendment would have stricken section 11 of the bill that directs the Director of National Intelligence and the Attorney General to jointly maintain a recordkeeping system of U.S. persons whose communications are intercepted.

Mr. Speaker, this would amount to a big government database that would have individuals' identity attached in every practical way. There is simply no way to have a database like this that does not attach individual identities to verify the process. The Democrats maintain that the identity is not attached. But this is an impractical rebuttal.

Mr. Speaker, the proposal's not only misguided, it attempts ostensibly to protect Americans' civil liberties and only undermines them further. And we have to understand that these identities would be attached, even if they have no connection to spying or terrorism.

And the bottom line is this, Mr. Speaker, this war on terrorism is ultimately fought in the area of intelligence. If we knew where every terrorist was tonight, in 60 days this war would be over. And if we tie those people's hands who are fighting to protect this country with this RESTORE Act by the majority, I believe that we will some day revisit this issue, Mr. Speaker, because when a terrible tragedy comes on this country, it will transform this debate in the most profound way, and we need to be very, very careful. We need to understand that what we're doing here is of vital importance to future generations.

Mr. ARCURI. Mr. Speaker, I continue to reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I know my friend has more time than I have, and I have more requests for time than I have time for. And so, Mr. Speaker, I would ask unanimous consent that each side get an additional 5 minutes so I can accommodate the requests on my side.

Mr. ARCURI. Mr. Speaker, I would object to that.

Mr. HASTINGS of Washington. Mr. Speaker, I wonder then if I could inquire of my friend, since he has more time, if maybe he would yield me at least enough time so I can close on my

side, and I'd ask my friend from New York if he would do that for me.

Mr. ARCURI. Well, we are waiting on one more speaker, so at this time I would not yield any additional time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield for a unanimous consent request to the gentleman from Florida (Mr. MACK).

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

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

Mr. Speaker, I rise today, once again, in defense of liberty and to tell my colleagues they should vote against this Rule.

While I find it honorable that several of my colleagues have attempted to work to find a compromise in this legislation, I have concluded it still does not often enough protections for the rights of our citizens.

It is the duty of Congress to strike the appropriate balance of freedom and liberty with the assurances of security and stability. But, we must constantly ask ourselves, are we going too far in one direction?

And I have always maintained that if a threat is imminent and known, the administration should be given the temporary powers needed to keep our homeland secure and Congress should exercise its inherent power of oversight over that authority.

I advocated this throughout the PATRIOT Act reauthorization and maintain it is the correct stance for us to take in times of crisis.

While I am encouraged by the inclusion of sunsets in this proposal and additional roles for the FISA Court, this legislation still does not bring us back to where we were earlier this summer—the administration needing a clarification on foreign-to-foreign and foreign-to-domestic communications.

Instead of taking the simple tenets of the Constitution and applying it to this debate, we in Congress like to overcomplicate the issue. We all agree these are important issues that deserve our time and attention but we need look no further than the Constitution for the right answers.

Mr. Speaker, the proper route we should have taken in crafting the answer to the FISA problems is H.R. 11—The NSA Oversight Act. This bipartisan bill has the answers, in very clear terms, to what the administration has sought Congress to address.

It allows for emergency surveillance and doesn't overly impede the work of intelligence officers;

It places the FISA Court in a more proper role for reviews of the tactics used and warrants needed;

And it ensures Congress conducts vigorous and smart oversight of these activities, all while protecting the individual freedom of Americans.

And that is the goal we should be aiming for, Mr. Speaker: the protection of our rights and the upholding of our Constitution.

If we fail to adhere to the Constitution and "sacrifice our liberty," then we will have lost this great experiment we began over 220 years ago and the terrorists will have accomplished the very thing they set out to do on that morning in September seven years ago.

We should vote down this Rule, go back to the table and report back a bill that preserves liberty and strikes a more proper balance between freedom and security for Americans.

Mr. HASTINGS of Washington. Mr. Speaker, how much time do I have left, and how much time does the other side have?

The SPEAKER pro tempore. The gentleman from Washington controls 2¼ minutes, and the gentleman from New York controls 14 minutes.

Mr. ARCURI. Mr. Speaker, I'll continue to reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I ask the gentleman from New York if he has any more speakers.

Mr. ARCURI. We are waiting on one more speaker.

Mr. HASTINGS of Washington. Mr. Speaker, I'll reserve my time.

Mr. ARCURI. Mr. Speaker, we have heard so much today from the other side about the fear that they have that this provision will somehow put Americans at risk. And I think it's very clear that what this FISA bill does is protect America, give our Intelligence Community ability to do the kind of things that it needs to do, while, at the same time, protecting our civil rights.

I think it was Benjamin Franklin who once said that any country who gives up its liberty for its security deserves neither and will end up losing both. And I think clearly this bill takes that into consideration.

This bill clearly provides for security for our country. It clearly provides our Intelligence Community with the ability to obtain information that it needs and use that and analyze it in a way that keeps America safe to prevent another 9/11 activity.

At the same time, this bill also protects Americans' rights and gives us the ability to prevent wiretapping of Americans here in this country.

We're not talking about foreign-to-foreign. They can do that. They have done that in the past, and they will continue to do that. This clearly deals with protecting Americans.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, there are a number of issues that have been brought up by the other side regarding this bill. First of all, it's important to keep in mind that what we're trying to do with this legislation is to carefully balance providing the tools to the intelligence professionals that are charged with keeping us safe in this country, and this legislation does that, regardless of what comments the other side has made.

Second, and most important, we have to balance it with protecting the civil rights of our citizens. As we talk about protecting this country, we have to keep in mind that this country was founded on the principle of the rule of law. The rule of law protects its citizens.

Under the Protect America Act, as we have seen over the course of the last few weeks, many, many concerns have been raised about the authorities that have been given to the government, authorities that would render our citizens not being able to protect and be secure in our homes and in our possessions.

The Protect America Act has given so many authorities that people are not safe and secure in their own homes. The government can go in there and search their computers, search their residences, and search literally every possession that Americans have. This legislation corrects those deficiencies. This legislation is a careful balance in keeping our country safe, as well as securing the rights of Americans in their homes.

Mr. HASTINGS of Washington. I would inquire of my friend from New York if they have any additional speakers.

Mr. ARCURI. I have one more speaker.

Mr. HASTINGS of Washington. How much time do I have on my side?

The SPEAKER pro tempore. The gentleman continues to have 2¼ minutes.

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

Today, Mr. Speaker, I will be asking my colleagues to vote "no" on the previous question so that I can amend the rule to allow for a substitute amendment to be offered by Mr. HOEKSTRA of Michigan or Mr. SMITH of Texas. This will give the House an opportunity to consider additional views that were denied with this closed rule in the Rules Committee last night.

And, Mr. Speaker, September 28, 2006, we had a debate on this issue last year, and I'd like to quote a Member and what he said on the House floor. And I quote: "You beat with rulemaking that which you know you cannot beat with reason."

And he goes on to say, "I know what you say: Do as you say, not as we do. For today, in the people's House democracy has been eviscerated by those who recommend it to others. I have said it before. The way the majority runs the House is shameful. It is undemocratic. It happens every single day that we have a closed rule."

The speaker was my good friend from Florida (Mr. HASTINGS).

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to oppose the previous question and the closed rule.

I yield back the balance of my time.

Mr. ARCURI. Mr. Speaker, I yield 1 minute to the distinguished Speaker of the House, the gentlewoman from California, NANCY PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and commend him for his excellent management of this rule affording us the opportunity to bring this important legislation to the floor.

I commend Chairman REYES and Chairman CONYERS for their leadership

in protecting and defending the American people by putting forth the best way to collect intelligence under the law.

Mr. Speaker, as we say over and over again here, and each one of us who comes to serve in this body, indeed, everyone who serves our country takes an oath of office to protect and defend the Constitution of the United States. It's a thrill to take that oath of office.

As we protect and defend the American people in the preamble, it says to form a more perfect Union, Mr. JACKSON has been a champion on that, to provide for the common defense. In that preamble, that's a high priority for us. We have a responsibility to protect the American people; that makes everything else possible in our community and in our society.

But as we protect and defend the American people, our oath of office calls upon us to protect and defend the Constitution and our civil liberties. The legislation before us today does just that. It's about protecting the American people from terrorism and other national security threats.

I, for a long time, have served on the Intelligence Committee, both as a member, as the ranking member, and also ex officio as leader and now as Speaker. I believe very firmly in the role that intelligence gathering plays in protecting the American people. We want to prevent war. We want to prevent harm to our forces. Force protection is a very, very high priority for us. Protection of our forces. And we must now meet this horrible challenge of fighting terrorism in the world. It has been a challenge for some time. In order to do that, we have to have the laws in place in order to collect that intelligence under the law, and that is what this legislation does. First, it helps us defend our country against terrorism and other threats. Secondly, it protects the privacy of the American people, which is important to them and a responsibility for us. And third, this legislation restores a system of checks and balances and how we protect and defend our country and provides for rigorous oversight by Congress of this collection.

In the 1970s, when the FISA law was passed, it was conceded that Congress had a role in determining how intelligence was conducted, how the executive branch conducted the collection of intelligence, the executive branch, Congress, making laws to govern that, two Houses, two branches of government. And in the FISA bill that was passed at that time, the role of the third branch of government was defined, the FISA Courts. That system of checks and balances has served our country well. With the advance of technology, additional challenges arose, and this legislation meets those challenges. Any suggestions to the contrary are simply not factual. What the Director of National Intelligence has asked for in terms of collection he has received in this legislation, and he has received it under the law.

The legislation restores checks and balances in other ways. It rejects groundless claims of inherent executive authority. Under that, we might as well just crown the President king and just say he has access to any information in our country, and he may collect that outside the law.

And this legislation reiterates that the law enacted by Congress, FISA, Foreign Intelligence Surveillance Act, is the exclusive means for conducting electronic surveillance to gather foreign intelligence. The principle of exclusivity is a very, very important principle, and it is enshrined in this legislation.

□ 1145

The bill also sunsets by December 31, 2009, at the same time the PATRIOT Act sunsets, so the next administration and another Congress can review whether the new program appropriately meets national security and civil liberty objectives.

This bill does not provide immunity to telecommunications companies that participated in the President's warrantless surveillance program. As I have said many times, you can't even consider such relief unless we know what people are asking for immunity from. Congress is not a rubber stamp; we are a coequal branch of government. We have a right to know what conduct the administration wants us to immunize against.

Working side by side, the Intelligence Committee and the Judiciary Committee have produced an excellent bill. It has been heralded so by those organizations whose organized purpose is to protect our civil liberties in light of our responsibility to our national security. It has been heralded by those who follow and hold as a value the privacy of the American people. It has been heralded by those who understand that one of our first responsibilities is to provide for the common defense. Our Founders understood it well, the balance that needed to be struck between security and liberty. They spoke eloquently to it in their speeches. They enshrined it in the Constitution. Let us protect the American people under the law.

Please, my colleagues, support this very important legislation.

Mr. ARCURI. Mr. Speaker, I would just like to thank the gentlewoman from California for her very strong leadership on this issue and, over the years, for her many years of strong leadership in this area. I would also like to thank Chairmen CONYERS and REYES for their strong leadership in bringing this bill to the floor.

Having said that, I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 746 OFFERED BY REPRESENTATIVE HASTINGS, WA

In section 1, strike ''and (2)'', and insert ''(2) a further amendment to be offered by Representative HOEKSTRA or Representative SMITH of Texas, or their designee, which shall be in order without intervention of any point of order or demand for division of the question and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3)''.

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 746, if ordered; and suspending the rules on H. Res. 549.

The vote was taken by electronic device, and there were—yeas 221, nays 199, not voting 11, as follows:

[Roll No. 974]

YEAS—221

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
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
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
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

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

NOT VOTING—11

Carson
Castor
Holt
Jindal
Johnson, E. B.
McKeon
Meek (FL)
Moore (WI)
Tancredo
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 90 seconds left on the vote.

□ 1211

Mr. ISSA, Mrs. CAPITO and Mr. McCAUL of Texas changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 223, nays 196, not voting 12, as follows:

[Roll No. 975]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
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
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
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
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns

Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

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

NOT VOTING—12

Carson
Castor
Delahunt
Holt
Jindal
Johnson, E. B.
Kirk
Marchant
McKeon
Tancredo
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1218

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.

Stated against:

Mrs. MUSGRAVE. Mr. Speaker, on rollcall No. 975, I inadvertently voted "yea" and intended to vote "nay."

RECOGNIZING THE IMPORTANCE OF AMERICA'S WATERWAY WATCH PROGRAM

The SPEAKER pro tempore (Mr. PASTOR). The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 549, 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 Maryland (Mr. CUMMINGS) that the House suspend the rules and agree to the resolution, H. Res. 549.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 11, as follows:

[Roll No. 976]

YEAS—420

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
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
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
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
Herger
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
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
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
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
Poe
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
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
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 (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—11

Aderholt
Carson
Castor
Jindal
Johnson, E. B.
Marchant
McKeon
Tancredo
Udall (CO)
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1228

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.

Stated for:

Mr. UDALL of Colorado. Mr. Speaker, as a member of the Air Force Academy's Board of Visitors, I have been participating in a meeting of that board here in Washington, DC.

Earlier today, I left the floor to return to that meeting and as a result was not present to vote on rollcall No. 976, on the motion to suspend the rules and pass H. Res. 549, recognizing the importance of America's Waterway Watch program.

Had I been present for that vote, I would have voted "yea."

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate had agreed to a resolution of the House of the following title.

H. Con. Res. 193. Concurrent resolution recognizing all hunters across the United States for their continued commitment to safety.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 106.

Mr. LARSEN of Washington. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 106.

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

There was no objection.

RESTORE ACT OF 2007

Mr. CONYERS. Mr. Speaker, pursuant to House Resolution 746, I call up the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3773

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective Act of 2007" or "RESTORE Act of 2007".

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

Sec. 1. Short title; table of contents.
Sec. 2. Clarification of electronic surveillance of non-United States persons outside the United States.
Sec. 3. Procedure for authorizing acquisitions of communications of non-United States persons located outside the United States.
Sec. 4. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States.
Sec. 5. Oversight of acquisitions of communications of non-United States persons located outside of the United States.
Sec. 6. Foreign Intelligence Surveillance Court en banc.
Sec. 7. Audit of warrantless surveillance programs.
Sec. 8. Record-keeping system on acquisition of communications of United States persons.
Sec. 9. Authorization for increased resources relating to foreign intelligence surveillance.
Sec. 10. Reiteration of FISA as the exclusive means by which electronic surveillance may be conducted for gathering foreign intelligence information.
Sec. 11. Technical and conforming amendments.
Sec. 12. Sunset; transition procedures.

SEC. 2. CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

Section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES

"SEC. 105A. (a) FOREIGN TO FOREIGN COMMUNICATIONS.—Notwithstanding any other provision of this Act, a court order is not required for the acquisition of the contents of any communication between persons that are not United States persons and are not located within the United States for the purpose of collecting foreign intelligence information, without respect to whether the communication passes through the United States or the surveillance device is located within the United States.

"(b) COMMUNICATIONS OF NON-UNITED STATES PERSONS OUTSIDE OF THE UNITED STATES.—Notwithstanding any other provision of this Act other than subsection (a), electronic surveillance that is directed at the acquisition of the communications of a person that is reasonably believed to be located outside the United States and not a United States person for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting that person shall be conducted pursuant to—

"(1) an order approved in accordance with section 105 or 105B; or

"(2) an emergency authorization in accordance with section 105 or 105C.".

SEC. 3. PROCEDURE FOR AUTHORIZING ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.

Section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

"PROCEDURE FOR AUTHORIZING ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES

"SEC. 105B. (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly apply to a judge of the court established under section 103(a) for an ex parte order, or the extension of an order, authorizing for a period of up to one year the acquisition of communications of persons that are reasonably believed to be located outside the United States and not United States persons for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting those persons.

"(b) APPLICATION INCLUSIONS.—An application under subsection (a) shall include—

"(1) a certification by the Director of National Intelligence and the Attorney General that—

"(A) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States;

"(B) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

"(C) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications; and

"(D) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)); and

"(2) a description of—

"(A) the procedures that will be used by the Director of National Intelligence and the Attorney General during the duration of the order to determine that there is a reasonable belief that the targets of the acquisition are persons that are located outside the United States and not United States persons;

"(B) the nature of the information sought, including the identity of any foreign power against whom the acquisition will be directed;

"(C) minimization procedures that meet the definition of minimization procedures under section 101(h) to be used with respect to such acquisition; and

"(D) the guidelines that will be used to ensure that an application is filed under section 104, if otherwise required by this Act, when the Federal Government seeks to conduct electronic surveillance of a person reasonably believed to be located in the United States.

"(c) SPECIFIC PLACE NOT REQUIRED.—An application under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

"(d) REVIEW OF APPLICATION.—Not later than 15 days after a judge receives an application under subsection (a), the judge shall review such application and shall approve the application if the judge finds that—

"(1) the proposed procedures referred to in subsection (b)(2)(A) are reasonably designed to determine whether the targets of the acquisition are located outside the United States and not United States persons;

"(2) the proposed minimization procedures referred to in subsection (b)(2)(C) meet the definition of minimization procedures under section 101(h); and

"(3) the guidelines referred to in subsection (b)(2)(D) are reasonably designed to ensure that an application is filed under section 104, if otherwise required by this Act, when the Federal Government seeks to conduct electronic surveillance of a person reasonably believed to be located in the United States.

"(e) ORDER.—

"(1) IN GENERAL.—A judge approving an application under subsection (d) shall issue an order—

"(A) authorizing the acquisition of the contents of the communications as requested, or as modified by the judge;

"(B) requiring the communications service provider or custodian, or officer, employee, or agent of such service provider or custodian, who has authorized access to the information, facilities, or technical assistance necessary to accomplish the acquisition to provide such information, facilities, or technical assistance necessary to accomplish the

acquisition and to produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition;

''(C) requiring such communications service provider, custodian, officer, employee, or agent, upon the request of the applicant, to maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished;

''(D) directing the Federal Government to—

''(i) compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to such order; and

''(ii) provide a copy of the portion of the order directing the person to comply with the order to such person; and

''(E) directing the applicant to follow—

''(i) the procedures referred to in subsection (b)(2)(A) as proposed or as modified by the judge;

''(ii) the minimization procedures referred to in subsection (b)(2)(C) as proposed or as modified by the judge; and

''(iii) the guidelines referred to in subsection (b)(2)(D) as proposed or as modified by the judge.

''(2) FAILURE TO COMPLY.—If a person fails to comply with an order issued under paragraph (1), the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the order. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person may be found.

''(3) LIABILITY OF ORDER.—Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with an order issued under this subsection.

''(4) RETENTION OF ORDER.—The Director of National Intelligence and the court established under subsection 103(a) shall retain an order issued under this section for a period of not less than 10 years from the date on which such order is issued.

''(5) ASSESSMENT OF COMPLIANCE WITH MINIMIZATION PROCEDURES.—At or before the end of the period of time for which an acquisition is approved by an order or an extension under this section, the judge may assess compliance with the minimization procedures referred to in paragraph (1)(E)(ii) and the guidelines referred to in paragraph (1)(E)(iii) by reviewing the circumstances under which information concerning United States persons was acquired, retained, or disseminated.''.

SEC. 4. EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES.

Section 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

''EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES

''SEC. 105C. (a) APPLICATION AFTER EMERGENCY AUTHORIZATION.—As soon as is practicable, but not more than 7 days after the Director of National Intelligence and the Attorney General authorize an acquisition under this section, an application for an order authorizing the acquisition in accordance with section 105B shall be submitted to the judge referred to in subsection (b)(2) of this section for approval of the acquisition in accordance with section 105B.

''(b) EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly authorize the emergency acquisition of foreign intelligence information for a period of not more than 45 days if—

''(1) the Director of National Intelligence and the Attorney General jointly determine that—

''(A) an emergency situation exists with respect to an authorization for an acquisition under section 105B before an order approving the acquisition under such section can with due diligence be obtained;

''(B) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States;

''(C) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

''(D) there are reasonable procedures in place for determining that the acquisition of foreign intelligence information under this section will be acquired by targeting only persons that are reasonably believed to be located outside the United States and not United States persons;

''(E) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

''(F) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e));

''(G) minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h); and

''(H) there are guidelines that will be used to ensure that an application is filed under section 104, if otherwise required by this Act, when the Federal Government seeks to conduct electronic surveillance of a person reasonably believed to be located in the United States; and

''(2) the Director of National Intelligence and the Attorney General, or their designees, inform a judge having jurisdiction to approve an acquisition under section 105B at the time of the authorization under this section that the decision has been made to acquire foreign intelligence information.

''(c) INFORMATION, FACILITIES, AND TECHNICAL ASSISTANCE.—Pursuant to an authorization of an acquisition under this section, the Attorney General may direct a communications service provider, custodian, or an officer, employee, or agent of such service provider or custodian, who has the lawful authority to access the information, facilities, or technical assistance necessary to accomplish such acquisition to—

''(1) furnish the Attorney General forthwith with such information, facilities, or technical assistance in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition; and

''(2) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished.''.

SEC. 5. OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105C the following new section:

''OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES

''SEC. 105D. (a) APPLICATION; PROCEDURES; ORDERS.—Not later than 7 days after an application is submitted under section 105B(a) or an order is issued under section 105B(e), the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress—

''(1) in the case of an application, a copy of the application, including the certification made under section 105B(b)(1); and

''(2) in the case of an order, a copy of the order, including the procedures and guidelines referred to in section 105B(e)(1)(E).

''(b) QUARTERLY AUDITS.—

''(1) AUDIT.—Not later than 120 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Inspector General of the Department of Justice shall complete an audit on the implementation of and compliance with the procedures and guidelines referred to in section 105B(e)(1)(E) and shall submit to the appropriate committees of Congress, the Attorney General, the Director of National Intelligence, and the court established under section 103(a) the results of such audit, including, for each order authorizing the acquisition of foreign intelligence under section 105B—

''(A) the number of targets of an acquisition under such order that were later determined to be located in the United States;

''(B) the number of persons located in the United States whose communications have been acquired under such order;

''(C) the number and nature of reports disseminated containing information on a United States person that was collected under such order; and

''(D) the number of applications submitted for approval of electronic surveillance under section 104 for targets whose communications were acquired under such order.

''(2) REPORT.—Not later than 30 days after the completion of an audit under paragraph (1), the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report containing the results of such audit.

''(c) COMPLIANCE REPORTS.—Not later than 60 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report concerning acquisitions under section 105B during the previous 120-day period. Each report submitted under this section shall include a description of any incidents of non-compliance with an order issued under section 105B(e), including incidents of non-compliance by—

''(1) an element of the intelligence community with minimization procedures referred to in section 105B(e)(1)(E)(i);

''(2) an element of the intelligence community with procedures referred to in section 105B(e)(1)(E)(ii);

''(3) an element of the intelligence community with guidelines referred to in section 105B(e)(1)(E)(iii); and

''(4) a person directed to provide information, facilities, or technical assistance under such order.

''(d) REPORT ON EMERGENCY AUTHORITY.—The Director of National Intelligence and the Attorney General shall annually submit to the appropriate committees of Congress a report containing the number of emergency authorizations of acquisitions under section 105C and a description of any incidents of non-compliance with an emergency authorization under such section.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Permanent Select Committee on Intelligence of the House of Representatives;

''(2) the Select Committee on Intelligence of the Senate; and

''(3) the Committees on the Judiciary of the House of Representatives and the Senate.''.

SEC. 6. FOREIGN INTELLIGENCE SURVEILLANCE COURT EN BANC.

Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

''(g) In any case where the court established under subsection (a) or a judge of such court is required to review a matter under this Act, the court may, at the discretion of the court, sit en banc to review such matter and issue any orders related to such matter.''.

SEC. 7. AUDIT OF WARRANTLESS SURVEILLANCE PROGRAMS.

(a) AUDIT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall complete an audit of all programs of the Federal Government involving the acquisition of communications conducted without a court order on or after September 11, 2001, including the Terrorist Surveillance Program referred to by the President in a radio address on December 17, 2005. Such audit shall include acquiring all documents relevant to such programs, including memoranda concerning the legal authority of a program, authorizations of a program, certifications to telecommunications carriers, and court orders.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the completion of the audit under subsection (a), the Inspector General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report containing the results of such audit, including all documents acquired pursuant to conducting such audit.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by the Inspector General or the appropriate staff of the Office of the Inspector General of the Department of Justice for a security clearance necessary for the conduct of the audit under subsection (a) is conducted as expeditiously as possible.

SEC. 8. RECORD-KEEPING SYSTEM ON ACQUISITION OF COMMUNICATIONS OF UNITED STATES PERSONS.

(a) RECORD-KEEPING SYSTEM.—The Director of National Intelligence and the Attorney General shall jointly develop and maintain a record-keeping system that will keep track of—

(1) the instances where the identity of a United States person whose communications were acquired was disclosed by an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) that collected the communications to other departments or agencies of the United States; and

(2) the departments and agencies of the Federal Government and persons to whom such identity information was disclosed.

(b) REPORT.—The Director of National Intelligence and the Attorney General shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on the record-keeping system created under subsection (a), including the number of instances referred to in paragraph (1).

SEC. 9. AUTHORIZATION FOR INCREASED RESOURCES RELATING TO FOREIGN INTELLIGENCE SURVEILLANCE.

There are authorized to be appropriated the Department of Justice, for the activities of the Office of the Inspector General, the Office of Intelligence Policy and Review, and other appropriate elements of the National Security Division, and the National Security Agency such sums as may be necessary to meet the personnel and information technology demands to ensure the timely and efficient processing of—

(1) applications and other submissions to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(2) the audit and reporting requirements under—

(A) section 105D of such Act; and

(B) section 7; and

(3) the record-keeping system and reporting requirements under section 8.

SEC. 10. REITERATION OF FISA AS THE EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE MAY BE CONDUCTED FOR GATHERING FOREIGN INTELLIGENCE INFORMATION.

(a) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted for the purpose of gathering foreign intelligence information.

(b) SPECIFIC AUTHORIZATION REQUIRED FOR EXCEPTION.—Subsection (a) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to subsection (a).

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C and inserting the following new items:

''Sec. 105A. Clarification of electronic surveillance of non-United States persons outside the United States.

''Sec. 105B. Procedure for authorizing acquisitions of communications of non-United States persons located outside the United States.

''Sec. 105C. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States.

''Sec. 105D. Oversight of acquisitions of communications of persons located outside of the United States.''.

(b) SECTION 103(e) OF FISA.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking ''105B(h) or''; and

(2) in paragraph (2), by striking ''105B(h) or''.

(c) REPEAL OF CERTAIN PROVISIONS OF THE PROTECT AMERICA ACT.—Sections 4 and 6 of the Protect America Act (Public Law 110–55) are hereby repealed.

SEC. 12. SUNSET; TRANSITION PROCEDURES.

(a) SUNSET OF NEW PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), effective on December 31, 2009—

(A) sections 105A, 105B, 105C, and 105D of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) are hereby repealed; and

(B) the table of contents in the first section of such Act is amended by striking the items relating to sections 105A, 105B, 105C, and 105D.

(2) ACQUISITIONS AUTHORIZED PRIOR TO SUNSET.—Any authorization or order issued under section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2009, shall continue in effect until the date of the expiration of such authorization or order.

(b) ACQUISITIONS AUTHORIZED PRIOR TO ENACTMENT.—

(1) EFFECT.—Notwithstanding the amendments made by this Act, an authorization of the acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) made before the date of the enactment of this Act shall remain in effect until the date of the expiration of such authorization or the date that is 180 days after such date of enactment, whichever is earlier.

(2) REPORT.—Not later than 30 days after the date of the expiration of all authorizations of acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (as added by Public Law 110–55) made before the date of the enactment of this Act in accordance with paragraph (1), the Director of National Intelligence and the Attorney General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on such authorizations, including—

(A) the number of targets of an acquisition under section 105B of such Act (as in effect on the day before the date of the enactment of this Act) that were later determined to be located in the United States;

(B) the number of persons located in the United States whose communications have been acquired under such section;

(C) the number of reports disseminated containing information on a United States person that was collected under such section;

(D) the number of applications submitted for approval of electronic surveillance under section 104 of such Act based upon information collected pursuant to an acquisition authorized under section 105B of such Act (as in effect on the day before the date of the enactment of this Act); and

(E) a description of any incidents of non-compliance with an authorization under such section, including incidents of non-compliance by—

(i) an element of the intelligence community with procedures referred to in subsection (a)(1) of such section;

(ii) an element of the intelligence community with minimization procedures referred to in subsection (a)(5) of such section; and

(iii) a person directed to provide information, facilities, or technical assistance under subsection (e) of such section.

(3) INTELLIGENCE COMMUNITY DEFINED.—In this subsection, the term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

The SPEAKER pro tempore. Pursuant to House Resolution 746, in lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 110–385, modified by the amendment printed in part B of the report, is adopted and the bill, as amended, is considered read.

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

H.R. 3773

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective Act of 2007'' or ''RESTORE Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Clarification of electronic surveillance of non-United States persons outside the United States.
Sec. 3. Additional authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.
Sec. 4. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.
Sec. 5. Oversight of acquisitions of communications of non-United States persons located outside of the United States who may be communicating with persons inside the United States.
Sec. 6. Foreign Intelligence Surveillance Court en banc.
Sec. 7. Foreign Intelligence Surveillance Court matters.
Sec. 8. Reiteration of FISA as the exclusive means by which electronic surveillance may be conducted for gathering foreign intelligence information.
Sec. 9. Enhancement of electronic surveillance authority in wartime and other collection.
Sec. 10. Audit of warrantless surveillance programs.
Sec. 11. Record-keeping system on acquisition of communications of United States persons.
Sec. 12. Authorization for increased resources relating to foreign intelligence surveillance.
Sec. 13. Document management system for applications for orders approving electronic surveillance.
Sec. 14. Training of intelligence community personnel in foreign intelligence collection matters.
Sec. 15. Information for Congress on the terrorist surveillance program and similar programs.
Sec. 16. Technical and conforming amendments.
Sec. 17. Sunset; transition procedures.

SEC. 2. CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES.

Section 105A of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

''CLARIFICATION OF ELECTRONIC SURVEILLANCE OF NON-UNITED STATES PERSONS OUTSIDE THE UNITED STATES

''SEC. 105A. (a) FOREIGN TO FOREIGN COMMUNICATIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, a court order is not required for electronic surveillance directed at the acquisition of the contents of any communication between persons that are not known to be United States persons and are reasonably believed to be located outside the United States for the purpose of collecting foreign intelligence information, without respect to whether the communication passes through the United States or the surveillance device is located within the United States.

''(2) TREATMENT OF INADVERTENT INTERCEPTIONS.—If electronic surveillance referred to in paragraph (1) inadvertently collects a communication in which at least one party to the communication is located inside the United States or is a United States person, the contents of such communication shall be handled in accordance with minimization procedures adopted by the Attorney General that require that no contents of any communication to which a United States person is a party shall be disclosed, disseminated, or used for any purpose or retained for longer than 7 days unless a court order under section 105 is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily harm to any person.

''(b) COMMUNICATIONS OF NON-UNITED STATES PERSONS OUTSIDE OF THE UNITED STATES.—Notwithstanding any other provision of this Act other than subsection (a), electronic surveillance that is directed at the acquisition of the communications of a person that is reasonably believed to be located outside the United States and not a United States person for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting that person shall be conducted pursuant to—

''(1) an order approved in accordance with section 105 or 105B; or

''(2) an emergency authorization in accordance with section 105 or 105C.''.

SEC. 3. ADDITIONAL AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

Section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

''ADDITIONAL AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES

''SEC. 105B. (a) IN GENERAL.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly apply to a judge of the court established under section 103(a) for an ex parte order, or the extension of an order, authorizing for a period of up to one year the acquisition of communications of persons that are reasonably believed to be located outside the United States and not United States persons for the purpose of collecting foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) by targeting those persons.

''(b) APPLICATION INCLUSIONS.—An application under subsection (a) shall include—

''(1) a certification by the Director of National Intelligence and the Attorney General that—

''(A) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States who may be communicating with persons inside the United States;

''(B) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

''(C) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications; and

''(D) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)); and

''(2) a description of—

''(A) the procedures that will be used by the Director of National Intelligence and the Attorney General during the duration of the order to determine that there is a reasonable belief that the persons that are the targets of the acquisition are located outside the United States and not United States persons;

''(B) the nature of the information sought, including the identity of any foreign power against whom the acquisition will be directed;

''(C) minimization procedures that meet the definition of minimization procedures under section 101(h) to be used with respect to such acquisition; and

''(D) the guidelines that will be used to ensure that an application is filed under section 104, if otherwise required by this Act, when a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States.

''(c) SPECIFIC PLACE NOT REQUIRED.—An application under subsection (a) is not required to identify the specific facilities, places, premises, or property at which the acquisition of foreign intelligence information will be directed.

''(d) REVIEW OF ''APPLICATION; APPEALS.—

''(1) REVIEW OF APPLICATION.—Not later than 15 days after a judge receives an application under subsection (a), the judge shall review such application and shall approve the application if the judge finds that—

''(A) the proposed procedures referred to in subsection (b)(2)(A) are reasonably designed to determine whether the targets of the acquisition are located outside the United States and not United States persons;

''(B) the proposed minimization procedures referred to in subsection (b)(2)(C) meet the definition of minimization procedures under section 101(h); and

''(C) the guidelines referred to in subsection (b)(2)(D) are reasonably designed to ensure that an application is filed under section 104, if otherwise required by this Act, when a significant purpose of an acquisition

is to acquire the communications of a specific United States person reasonably believed to be located in the United States.

''(2) TEMPORARY ORDER; APPEALS.—

''(A) TEMPORARY ORDER.—A judge denying an application under paragraph (1) may, at the application of the United States, issue a temporary order to authorize an acquisition under section 105B in accordance with the application submitted under subsection (a) during the pendency of any appeal of the denial of such application.

''(B) APPEALS.—The United States may appeal the denial of an application for an order under paragraph (1) or a temporary order under subparagraph (A) in accordance with section 103.

''(e) ORDER.—

''(1) IN GENERAL.—A judge approving an application under subsection (d) shall issue an order—

''(A) authorizing the acquisition of the contents of the communications as requested, or as modified by the judge;

''(B) requiring the communications service provider or custodian, or officer, employee, or agent of such service provider or custodian, who has authorized access to the information, facilities, or technical assistance necessary to accomplish the acquisition to provide such information, facilities, or technical assistance necessary to accomplish the acquisition and to produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition;

''(C) requiring such communications service provider, custodian, officer, employee, or agent, upon the request of the applicant, to maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished;

''(D) directing the Federal Government to—

''(i) compensate, at the prevailing rate, a person for providing information, facilities, or assistance pursuant to such order;

''(ii) provide a copy of the portion of the order directing the person to comply with the order to such person; and

''(iii) a certification stating that the acquisition is authorized under this section and that all requirements of this section have been met; and''.

''(E) directing the applicant to follow—

''(i) the procedures referred to in subsection (b)(2)(A) as proposed or as modified by the judge;

''(ii) the minimization procedures referred to in subsection (b)(2)(C) as proposed or as modified by the judge; and

''(iii) the guidelines referred to in subsection (b)(2)(D) as proposed or as modified by the judge.

''(2) FAILURE TO COMPLY.—If a person fails to comply with an order issued under paragraph (1), the Attorney General may invoke the aid of the court established under section 103(a) to compel compliance with the order. Failure to obey an order of the court may be punished by the court as contempt of court. Any process under this section may be served in any judicial district in which the person may be found.

''(3) LIABILITY OF ORDER.—Notwithstanding any other law, no cause of action shall lie in any court against any person for providing any information, facilities, or assistance in accordance with an order issued under this subsection.

''(4) RETENTION OF ORDER.—The Director of National Intelligence and the court established under subsection 103(a) shall retain an order issued under this section for a period of not less than 10 years from the date on which such order is issued.

''(5) ASSESSMENT OF COMPLIANCE WITH COURT ORDER.—At or before the end of the period of time for which an acquisition is approved by an order or an extension under this section, the court established under section 103(a) shall, not less frequently than once each quarter, assess compliance with the procedures and guidelines referred to in paragraph (1)(E) and review the circumstances under which information concerning United States persons was acquired, retained, or disseminated.''.

SEC. 4. EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

Section 105C of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended to read as follows:

''EMERGENCY AUTHORIZATION OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES

''SEC. 105C. (a) APPLICATION AFTER EMERGENCY AUTHORIZATION.—As soon as is practicable, but not more than 7 days after the Director of National Intelligence and the Attorney General authorize an acquisition under this section, an application for an order authorizing the acquisition in accordance with section 105B shall be submitted to the judge referred to in subsection (b)(2) of this section for approval of the acquisition in accordance with section 105B.

''(b) EMERGENCY AUTHORIZATION.—Notwithstanding any other provision of this Act, the Director of National Intelligence and the Attorney General may jointly authorize the emergency acquisition of foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e)) for a period of not more than 45 days if—

''(1) the Director of National Intelligence and the Attorney General jointly determine that—

''(A) an emergency situation exists with respect to an authorization for an acquisition under section 105B before an order approving the acquisition under such section can with due diligence be obtained;

''(B) the targets of the acquisition of foreign intelligence information under this section are persons reasonably believed to be located outside the United States who may be communicating with persons inside the United States;

''(C) the targets of the acquisition are reasonably believed to be persons that are not United States persons;

''(D) there are procedures in place that will be used by the Director of National Intelligence and the Attorney General during the duration of the authorization to determine if there is a reasonable belief that the persons that are the targets of the acquisition are located outside the United States and not United States persons;

''(E) the acquisition involves obtaining the foreign intelligence information from, or with the assistance of, a communications service provider or custodian, or an officer, employee, or agent of such service provider or custodian, who has authorized access to the communications to be acquired, either as they are transmitted or while they are stored, or equipment that is being or may be used to transmit or store such communications;

''(F) a significant purpose of the acquisition is to obtain foreign intelligence information (as defined in paragraph (1) or (2)(A) of section 101(e));

''(G) minimization procedures to be used with respect to such acquisition activity meet the definition of minimization procedures under section 101(h); and

''(H) there are guidelines that will be used to ensure that an application is filed under section 104, if otherwise required by this Act, when a significant purpose of an acquisition is to acquire the communications of a specific United States person reasonably believed to be located in the United States; and

''(2) the Director of National Intelligence and the Attorney General, or their designees, inform a judge having jurisdiction to approve an acquisition under section 105B at the time of the authorization under this section that the decision has been made to acquire foreign intelligence information.

''(c) INFORMATION, FACILITIES, AND TECHNICAL ASSISTANCE.—

''(1) DIRECTIVE.—Pursuant to an authorization of an acquisition under this section, the Attorney General may direct a communications service provider, custodian, or an officer, employee, or agent of such service provider or custodian, who has the lawful authority to access the information, facilities, or technical assistance necessary to accomplish such acquisition to—

''(A) furnish the Attorney General forthwith with such information, facilities, or technical assistance in a manner that will protect the secrecy of the acquisition and produce a minimum of interference with the services that provider, custodian, officer, employee, or agent is providing the target of the acquisition; and

''(B) maintain under security procedures approved by the Attorney General and the Director of National Intelligence any records concerning the acquisition or the aid furnished.

''(2) PARAMETERS; CERTIFICATIONS.—The Attorney General shall provide to any person directed to provide assistance under paragraph (1) with—

''(A) a document setting forth the parameters of the directive;

''(B) a certification stating that—

''(i) the emergency authorization has been issued pursuant to this section;

''(ii) all requirements of this section have been met;

''(iii) a judge has been informed of the emergency authorization in accordance with subsection (b)(2); and

''(iv) an application will be submitted in accordance with subsection (a); and

''(C) a certification that the recipient of the directive shall be compensated, at the prevailing rate, for providing information, facilities, or assistance pursuant to such directive.''.

SEC. 5. OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES.

The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 105C the following new section:

''OVERSIGHT OF ACQUISITIONS OF COMMUNICATIONS OF NON-UNITED STATES PERSONS LOCATED OUTSIDE OF THE UNITED STATES WHO MAY BE COMMUNICATING WITH PERSONS INSIDE THE UNITED STATES

''SEC. 105D. (a) APPLICATION; PROCEDURES; ORDERS.—Not later than 7 days after an application is submitted under section 105B(a) or an order is issued under section 105B(e), the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress—

''(1) in the case of an application—

''(A) a copy of the application, including the certification made under section 105B(b)(1); and

''(B) a description of the primary purpose of the acquisition for which the application is submitted; and

''(2) in the case of an order, a copy of the order, including the procedures and guidelines referred to in section 105B(e)(1)(E).

''(b) REGULAR AUDITS.—

''(1) AUDIT.—Not later than 120 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Inspector General of the Department of Justice shall complete an audit on the implementation of and compliance with the procedures and guidelines referred to in section 105B(e)(1)(E) and shall submit to the appropriate committees of Congress, the Attorney General, the Director of National Intelligence, and the court established under section 103(a) the results of such audit, including, for each order authorizing the acquisition of foreign intelligence under section 105B—

''(A) the number of targets of an acquisition under such order that were later determined to be located in the United States;

''(B) the number of persons located in the United States whose communications have been acquired under such order;

''(C) the number and nature of reports disseminated containing information on a United States person that was collected under such order; and

''(D) the number of applications submitted for approval of electronic surveillance under section 104 for targets whose communications were acquired under such order.

''(2) REPORT.—Not later than 30 days after the completion of an audit under paragraph (1), the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report containing the results of such audit.

''(c) COMPLIANCE REPORTS.—Not later than 60 days after the date of the enactment of this section, and every 120 days thereafter until the expiration of all orders issued under section 105B, the Director of National Intelligence and the Attorney General shall submit to the appropriate committees of Congress and the court established under section 103(a) a report concerning acquisitions under section 105B during the previous period. Each report submitted under this section shall include a description of any incidents of non-compliance with an order issued under section 105B(e), including incidents of non-compliance by—

''(1) an element of the intelligence community with procedures referred to in section 105B(e)(1)(E)(i);

''(2) an element of the intelligence community with minimization procedures referred to in section 105B(e)(1)(E)(ii);

''(3) an element of the intelligence community with guidelines referred to in section 105B(e)(1)(E)(iii); and

''(4) a person directed to provide information, facilities, or technical assistance under such order.

''(d) REPORT ON EMERGENCY AUTHORITY.—The Director of National Intelligence and the Attorney General shall annually submit to the appropriate committees of Congress a report containing the number of emergency authorizations of acquisitions under section 105C and a description of any incidents of non-compliance with an emergency authorization under such section.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Permanent Select Committee on Intelligence of the House of Representatives;

''(2) the Select Committee on Intelligence of the Senate; and

''(3) the Committees on the Judiciary of the House of Representatives and the Senate.''.

SEC. 6. FOREIGN INTELLIGENCE SURVEILLANCE COURT EN BANC.

Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following new subsection:

''(g) In any case where the court established under subsection (a) or a judge of such court is required to review a matter under this Act, the court may, at the discretion of the court, sit en banc to review such matter and issue any orders related to such matter.''.

SEC. 7. FOREIGN INTELLIGENCE SURVEILLANCE COURT MATTERS.

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting ''(1)'' after ''(a)'';

(2) in paragraph (1) (as so designated)—

(A) by striking ''11'' and inserting ''15''; and

(B) by inserting ''at least'' before ''seven of the United States judicial circuits''; and

(3) by designating the second sentence as paragraph (3) and indenting such paragraph, as so designated, two ems from the left margin.

(b) CONSIDERATION OF EMERGENCY APPLICATIONS.—Such section is further amended by inserting after paragraph (1) (as designated by subsection (a)(1)) the following new paragraph:

''(2) A judge of the court shall make a determination to approve, deny, or modify an application submitted pursuant to section 105(f), section 304(e), or section 403 not later than 24 hours after the receipt of such application by the court.''.

SEC. 8. REITERATION OF FISA AS THE EXCLUSIVE MEANS BY WHICH ELECTRONIC SURVEILLANCE MAY BE CONDUCTED FOR GATHERING FOREIGN INTELLIGENCE INFORMATION.

(a) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance may be conducted for the purpose of gathering foreign intelligence information.

(b) SPECIFIC AUTHORIZATION REQUIRED FOR EXCEPTION.—Subsection (a) shall apply until specific statutory authorization for electronic surveillance, other than as an amendment to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), is enacted. Such specific statutory authorization shall be the only exception to subsection (a).

SEC. 9. ENHANCEMENT OF ELECTRONIC SURVEILLANCE AUTHORITY IN WARTIME AND OTHER COLLECTION.

Sections 111, 309, and 404 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1811, 1829, and 1844) are amended by striking ''Congress'' and inserting ''Congress or an authorization for the use of military force described in section 2(c)(2) of the War Powers Resolution (50 U.S.C. 1541(c)(2)) if such authorization contains a specific authorization for foreign intelligence collection under this section, or if the Congress is unable to convene because of an attack upon the United States.''.

SEC. 10. AUDIT OF WARRANTLESS SURVEILLANCE PROGRAMS.

(a) AUDIT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall complete an audit of all programs of the Federal Government involving the acquisition of communications conducted without a court order on or after September 11, 2001, including the Terrorist Surveillance Program referred to by the President in a radio address on December 17, 2005. Such audit shall include acquiring all documents relevant to such programs, including memoranda concerning the legal authority of a program, authorizations of a program, certifications to telecommunications carriers, and court orders.

(b) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the completion of the audit under subsection (a), the Inspector General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report containing the results of such audit, including all documents acquired pursuant to conducting such audit.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) EXPEDITED SECURITY CLEARANCE.—The Director of National Intelligence shall ensure that the process for the investigation and adjudication of an application by the Inspector General or the appropriate staff of the Office of the Inspector General of the Department of Justice for a security clearance necessary for the conduct of the audit under subsection (a) is conducted as expeditiously as possible.

SEC. 11. RECORD-KEEPING SYSTEM ON ACQUISITION OF COMMUNICATIONS OF UNITED STATES PERSONS.

(a) RECORD-KEEPING SYSTEM.—The Director of National Intelligence and the Attorney General shall jointly develop and maintain a record-keeping system that will keep track of—

(1) the instances where the identity of a United States person whose communications were acquired was disclosed by an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) that collected the communications to other departments or agencies of the United States; and

(2) the departments and agencies of the Federal Government and persons to whom such identity information was disclosed.

(b) REPORT.—The Director of National Intelligence and the Attorney General shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on the record-keeping system created under subsection (a), including the number of instances referred to in paragraph (1).

SEC. 12. AUTHORIZATION FOR INCREASED RESOURCES RELATING TO FOREIGN INTELLIGENCE SURVEILLANCE.

(a) IN GENERAL.—There are authorized to be appropriated the Department of Justice, for the activities of the Office of the Inspector General, the appropriate elements of the National Security Division, and the National Security Agency such sums as may be necessary to meet the personnel and information technology demands to ensure the timely and efficient processing of—

(1) applications and other submissions to the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a));

(2) the audit and reporting requirements under—

(A) section 105D of such Act; and

(B) section 10; and

(3) the record-keeping system and reporting requirements under section 11.

(b) ADDITIONAL PERSONNEL FOR PREPARATION AND CONSIDERATION OF APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE AND PHYSICAL SEARCH.—

(1) NATIONAL SECURITY DIVISION OF THE DEPARTMENT OF JUSTICE.—

(A) ADDITIONAL PERSONNEL.—The National Security Division of the Department of Justice is hereby authorized such additional personnel as may be necessary to carry out the prompt and timely preparation, modification, and review of applications under Foreign Intelligence Surveillance Act of 1978 for orders under that Act for foreign intelligence purposes.

(B) ASSIGNMENT.—The Attorney General shall assign personnel authorized by paragraph (1) to and among appropriate offices of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) in order that such personnel may directly assist personnel of the Intelligence Community in preparing applications described in that paragraph and conduct prompt and effective oversight of the activities of such agencies under Foreign Intelligence Surveillance Court orders.

(2) DIRECTOR OF NATIONAL INTELLIGENCE.—

(A) ADDITIONAL LEGAL AND OTHER PERSONNEL.—The Director of National Intelligence is hereby authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under the Foreign Intelligence Surveillance Act of 1978 for orders under that Act approving electronic surveillance for foreign intelligence purposes.

(B) ASSIGNMENT.—The Director of National Intelligence shall assign personnel authorized by paragraph (1) to and among the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))), including the field offices of the Federal Bureau of Investigation, in order that such personnel may directly assist personnel of the intelligence community in preparing applications described in that paragraph.

(3) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is hereby authorized for the court established under section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) such additional staff personnel as may be necessary to facilitate the prompt and timely consideration by that court of applications under such Act for orders under such Act approving electronic surveillance for foreign intelligence purposes. Personnel authorized by this paragraph shall perform such duties relating to the consideration of such applications as that court shall direct.

(4) SUPPLEMENT NOT SUPPLANT.—The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 13. DOCUMENT MANAGEMENT SYSTEM FOR APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

(a) SYSTEM REQUIRED.—The Attorney General shall, in consultation with the Director of National Intelligence and the Foreign Intelligence Surveillance Court, develop and implement a secure, classified document management system that permits the prompt preparation, modification, and review by appropriate personnel of the Department of Justice, the Federal Bureau of Investigation, the National Security Agency, and other applicable elements of the United States Government of applications under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) before their submission to the Foreign Intelligence Surveillance Court.

(b) SCOPE OF SYSTEM.—The document management system required by subsection (a) shall—

(1) permit and facilitate the prompt submittal of applications to the Foreign Intelligence Surveillance Court under the Foreign Intelligence Surveillance Act of 1978; and

(2) permit and facilitate the prompt transmittal of rulings of the Foreign Intelligence Surveillance Court to personnel submitting applications described in paragraph (1), and provide for the secure electronic storage and retrieval of all such applications and related matters with the court and for their secure transmission to the National Archives and Records Administration.

SEC. 14. TRAINING OF INTELLIGENCE COMMUNITY PERSONNEL IN FOREIGN INTELLIGENCE COLLECTION MATTERS.

The Director of National Intelligence shall, in consultation with the Attorney General—

(1) develop regulations to establish procedures for conducting and seeking approval of electronic surveillance, physical search, and the installation and use of pen registers and trap and trace devices on an emergency basis, and for preparing and properly submitting and receiving applications and orders under the Foreign Intelligence Surveillance Act of 1978; and

(2) prescribe related training on the Foreign Intelligence Surveillance Act of 1978 and related legal matters for the personnel of the applicable agencies of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

SEC. 15. INFORMATION FOR CONGRESS ON THE TERRORIST SURVEILLANCE PROGRAM AND SIMILAR PROGRAMS.

As soon as practicable after the date of the enactment of this Act, but not later than seven days after such date, the President shall fully inform each member of the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate on the following:

(1) The Terrorist Surveillance Program of the National Security Agency.

(2) Any program in existence from September 11, 2001, until the effective date of this Act that involves, whether in part or in whole, the electronic surveillance of United States persons in the United States for foreign intelligence or other purposes, and which is conducted by any department, agency, or other element of the United States Government, or by any entity at the direction of a department, agency, or other element of the United States Government, without fully complying with the procedures set forth in the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or chapter 119, 121, or 206 of title 18, United States Code.

SEC. 16. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by striking the items relating to sections 105A, 105B, and 105C and inserting the following new items:

''Sec. 105A. Clarification of electronic surveillance of non-United States persons outside the United States.

''Sec. 105B. Additional authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.

''Sec. 105C. Emergency authorization of acquisitions of communications of non-United States persons located outside the United States who may be communicating with persons inside the United States.

''Sec. 105D. Oversight of acquisitions of communications of non-United States persons located outside of the United States who may be communicating with persons inside the United States.''.

(b) SECTION 103(e) OF FISA.—Section 103(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(e)) is amended—

(1) in paragraph (1), by striking ''105B(h) or''; and

(2) in paragraph (2), by striking ''105B(h) or''.

(c) REPEAL OF CERTAIN PROVISIONS OF THE PROTECT AMERICA ACT OF 2007.—Sections 4 and 6 of the Protect America Act (Public Law 110–55) are hereby repealed.

SEC. 17. SUNSET; TRANSITION PROCEDURES.

(a) SUNSET OF NEW PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), effective on December 31, 2009—

(A) sections 105A, 105B, 105C, and 105D of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) are hereby repealed; and

(B) the table of contents in the first section of such Act is amended by striking the items relating to sections 105A, 105B, 105C, and 105D.

(2) ACQUISITIONS AUTHORIZED PRIOR TO SUNSET.—Any authorization or order issued under section 105B of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, in effect on December 31, 2009, shall continue in effect until the date of the expiration of such authorization or order.

(b) ACQUISITIONS AUTHORIZED PRIOR TO ENACTMENT.—

(1) EFFECT.—Notwithstanding the amendments made by this Act, an authorization of the acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) made before the date of the enactment of this Act shall remain in effect until the date of the expiration of such authorization or the date that is 180 days after such date of enactment, whichever is earlier.

(2) REPORT.—Not later than 30 days after the date of the expiration of all authorizations of acquisition of foreign intelligence information under section 105B of the Foreign Intelligence Surveillance Act of 1978 (as added by Public Law 110–55) made before the date of the enactment of this Act in accordance with paragraph (1), the Director of National Intelligence and the Attorney General shall submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report on such authorizations, including—

(A) the number of targets of an acquisition under section 105B of such Act (as in effect on the day before the date of the enactment of this Act) that were later determined to be located in the United States;

(B) the number of persons located in the United States whose communications have been acquired under such section;

(C) the number of reports disseminated containing information on a United States person that was collected under such section;

(D) the number of applications submitted for approval of electronic surveillance under section 104 of such Act based upon information collected pursuant to an acquisition authorized under section 105B of such Act (as in

effect on the day before the date of the enactment of this Act); and

(E) a description of any incidents of non-compliance with an authorization under such section, including incidents of non-compliance by—

(i) an element of the intelligence community with procedures referred to in subsection (a)(1) of such section;

(ii) an element of the intelligence community with minimization procedures referred to in subsection (a)(5) of such section; and

(iii) a person directed to provide information, facilities, or technical assistance under subsection (e) of such section.

(3) INTELLIGENCE COMMUNITY DEFINED.—In this subsection, the term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. ___. CERTIFICATION TO COMMUNICATIONS SERVICE PROVIDERS THAT ACQUISITIONS ARE AUTHORIZED UNDER FISA.

(a) AUTHORIZATION UNDER SECTION 102.—Section 102(a) of the Foreign Intelligence Surveillance Act of of 1978 (50 U.S.C. 1802(a)) is amended by striking ''furnishing such aid'' and inserting ''furnishing such aid and shall provide such carrier with a certification stating that the electronic surveillance is authorized under this section and that all requirements of this section have been met''.

(b) AUTHORIZATION UNDER SECTION 105.—Section 105(c)(2) of such Act (50 U.S.C. 1805(c)(2)) is amended—

(1) in subparagraph (C), by striking ''; and'' and inserting '';'';

(2) in subparagraph (D), by striking ''aid.'' and inserting ''aid; and''; and

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

''(E) that the applicant provide such carrier, landlord, custodian, or other person with a certification stating that the electronic surveillance is authorized under this section and that all requirements of this section have been met.''.

SEC. ___. STATUTE OF LIMITATIONS.

(a) IN GENERAL.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809) is amended by adding at the end the following new subsection:

''(e) STATUTE OF LIMITATIONS.—No person shall be prosecuted, tried, or punished for any offense under this section unless the indictment is found or the information is instituted not later than 10 years after the commission of the offense.''.

(b) APPLICATION.—The amendment made by subsection (a) shall apply to any offense committed before the date of the enactment of this Act if the statute of limitations applicable to that offense has not run as of such date.

SEC. ___. NO RIGHTS UNDER THE RESTORE ACT FOR UNLAWFUL RESIDENTS.

Nothing in this Act or the amendments made by this Act shall be construed to prevent lawfully conducted surveillance of or grant any rights to an alien not lawfully permitted to be in or remain in the United States.

The SPEAKER pro tempore. Debate shall not exceed 90 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 30 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence.

The gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 30 minutes and the gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 15 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

□ 1230

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material for the RECORD on H.R. 3773.

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

There was no objection.

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

Mr. Speaker, 6 years ago the administration unilaterally chose to engage in warrantless surveillance of American citizens without court review. That decision created a legal and political quagmire. To fight terrorism and prevent another 9/11, we need to have an effective and legal system of intelligence gathering. That is what we are here to do today.

When that old scheme broke down, the administration then forced Congress to accept an equally flawed statute in August, the Protect America Act. The Protect America Act granted broad, new powers to engage in warrantless searches within the United States, including physical searches of our homes, computers, offices, libraries and medical records. There was a valiant fight against it, but we did not prevail.

Mr. Speaker, at this time I want to acknowledge the great work of the chairman of the Intelligence Committee, SILVESTRE REYES, for what he did, and on the Judiciary Committee I am quite proud of JERRY NADLER of New York, the chairman of the Constitution Subcommittee, and SHEILA JACKSON-LEE, the distinguished gentlewoman from Texas. Also the chairman of the Crime subcommittee, BOBBY SCOTT of Virginia.

The PATRIOT Act granted broad new powers to engage in warrantless searches within the United States. It included, as I said, physical searches of our homes, of our computers, offices, libraries, and even medical records. The law contained no meaningful oversight whatsoever and went around the FISA Court. It should not be made permanent. That is why we are here today with the RESTORE Act, to create a framework for legal surveillance that includes the FISA Court.

Careful consideration by the Judiciary and by the Intelligence Committees addresses the need for flexibility in intelligence gathering and delivers the ability to deal with the modern communications networks. More importantly, it is consistent with the rule of law, the Constitution, and our democratic values.

Let's be clear about how the RESTORE Act's ''basket'' court orders work. These orders are not individual warrants for Osama bin Laden or other terrorists. They allow surveillance of an entire terrorist group or other foreign power through a flexible court process. This act prohibits reverse targeting to engage in warrantless spying on Americans. In approving the order, the court must also approve the guidelines and procedures that will be used to protect the rights of Americans under the Constitution and under the Foreign Intelligence Surveillance Act.

When the intelligence community turns its attention to Americans at home, they will have to get a warrant. That isn't just good policy; this is the critically important fourth amendment in action. So RESTORE even brings the court into the emergency provisions. NSA must notify the court when they start emergency acquisition, and they must seek a court order within seven days. This is not a secret process. The court knows when it is started and is awaiting the application.

Mr. Speaker, the phone company can't even turn on the switch unless it has a certification from the government that they are actively seeking that court order. If the application is turned down, the surveillance shuts off, unless the court specifically stays their ruling, pending appeal. That appeal must be resolved within 45 days. These emergency authorizations are not a backdoor way to avoid court review. In fact, the court will be looking at the emergency from the very first day.

The bill also provides other critical safeguards: periodic audits by the inspector general; narrow scope of authority to security threats, not just anything. It protects privacy of Americans traveling abroad and, most important, sunsets the legislation in December of the year 2009 so that we can review it one more time.

Importantly, the bill has no retroactive immunity for telecommunications carriers whatsoever. Why? Because we have been refused the documents to determine whether retroactive immunity has any place or not. Interestingly enough, that was delivered to the Senate. They have the documents. We, begging, pleading, screaming, we don't have the documents. So no retroactive immunity. Until we receive these underlying documents, there is no way we can begin any consideration of that request. So the legislation before us today is a very, very important start-over improving the measure, the Protect America Act, that still exists.

Please join with me in a careful consideration of everything in this measure.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the Democratic leadership calls the RESTORE Act of 2007 a compromise. Well, I agree. It compromises our national security.

Why do Democrats want to make it more difficult to gather intelligence

about terrorists after 9/11 than before 9/11? Since the Foreign Intelligence Surveillance Act was enacted 30 years ago, our terrorist fighting agencies have been able to gather information about terrorists without obtaining a court order. Why burden our intelligence agencies now? Why make it harder to find Osama bin Laden? Why protect terrorists?

This bill, for the first time, requires a court order to monitor foreign persons outside the United States. If Osama bin Laden makes a call and we don't know who it is to, a court order must be obtained. That takes many hours and could well mean we miss an opportunity to stop an attack.

The bill omits liability protection for telephone companies that provided the Federal Government with critical information after 9/11. These companies deserve our thanks, not a flurry of frivolous lawsuits.

The bill sunsets in 4 years, yet our agencies need certainty and permanence so they can develop new procedures and train employees.

Mr. Speaker, we don't need the RESTORE Act. We do need to restore the ability of the Federal Government to gather information about terrorists and to stop them.

Mr. Speaker, I yield 2 minutes to the minority whip, the gentleman from Missouri (Mr. BLUNT).

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

Mr. Speaker, the law in place today, the law that we brought up to today's technical standards in August, is essentially the law that the Congress passed in 1978, a Congress that had a majority of Democrats in it. Jimmy Carter, President Carter, signed that bill, and it has worked for 30 years now.

The way this bill is drafted, the administration would be forced to seek warrants, as Mr. SMITH just said, for foreign targets in case they might call the United States. If Osama bin Laden calls the United States, we should know it. If Osama bin Laden calls and it turns out to be a call that didn't matter, there are ways to minimize that. In all likelihood, if Osama bin Laden called, it shouldn't be a matter that we shouldn't know about. If he calls to order a pizza and says ''deliver the pizza to cave 56 in Bora Bora,'' that is something we ought to know at that minute. We should not have to go to court to monitor these calls, just in case they call somebody in the United States.

Granting what in essence is de facto fourth amendment constitutional rights to noncitizens who are not in this country makes no sense at all. It is not the right direction. We need a permanent fix.

This bill does not contain, as my good friend Mr. CONYERS said, retroactive liability. We need to have liability for those companies that stepped up after 9/11 and immediately helped the country begin to monitor the things we needed to monitor. We still don't clarify in this bill what our intelligence agencies do.

This does not solve any problems. It creates problems. When you have a system that has worked in one way, and effectively, for 30 years, there is no reason to change that system. This bill makes needless, dangerous changes.

I hope we vote ''no'' on this bill today, and get down, as we did in late July, to the reality of what we have to do to defend the country.

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

Mr. Speaker, 6 years after the tragic attacks of 9/11, Osama bin Laden remains at large. The minority whip may make light about ordering pizza, but the reality is we still haven't gotten Osama bin Laden and America faces a continuing threat from al Qaeda and other terrorist groups.

Just this week, Admiral Scott Redd, Director of the National Counterterrorism Center, said that the Iraq war has created a giant recruiting tool for al Qaeda. When asked if we are safer as a result of our invasion of Iraq, Admiral Redd said, ''Tactically, probably not.''

Mindful of this threat, our committees have drafted the RESTORE Act. I wish to thank Chairman CONYERS and members of both committees for their great work in drafting this legislation. The RESTORE Act arms our intelligence community with powerful new authorities to conduct electronic surveillance of terrorist targets around the world, but it also restores essential constitutional protections for Americans that were sharply eroded when the President signed the Protect America Act, or PAA, last August.

Some on the other side want to extend the PAA permanently. That would be a huge mistake. According to expert testimony we have received in our committee, the PAA authorizes warrantless domestic searches of Americans' homes, mail, computers and medical records, as the chairman of the Judiciary Committee observed earlier.

Although we don't have any information at this time that the Bush administration is using this authority in this way, we must guard against the possibility of abuse in the future. Our committee heard testimony that the PAA even allows spying without probable cause on our own soldiers deployed overseas talking to their families back home. That, Mr. Speaker, is wrong.

The RESTORE Act helps restore the balance between security and liberty. The RESTORE Act puts the FISA Court back in the business of protecting Americans' constitutional rights, after the President and Vice President put the court out of business 6 years ago.

Some will try to portray this bill as extending rights to terrorists. We have heard that this morning. That is absolutely false. This bill does not require individual warrants for terrorists such as Osama bin Laden. The bill does not extend fourth amendment rights to foreigners.

What the RESTORE Act does is allow ''block surveillance'' of terrorists overseas with speed and agility. And we will never go dark, because the bill includes an emergency provision that allows surveillance to continue for 45 days, even before the court approves the procedures to protect Americans.

This legislation will restore accountability and oversight in all three branches. It restores regular audits and reports by the Department of Justice, which will be reviewed by the Congress. It also requires an audit of the President's Domestic Surveillance Program and other warrantless surveillance programs.

Perhaps most importantly, it ensures that when an American is the target of surveillance, an individualized warrant is required.

Some of my colleagues on the other side of the aisle prefer an approach that would allow the administration to police itself. This simply is unacceptable. If we have learned anything from the past 6 years, it is that unchecked executive power is a recipe for abuse and it has not made us safer.

□ 1245

Mr. Speaker, I have served my country as a soldier in combat in Vietnam, as a law enforcement professional on our southern border, and as a Member of Congress for the past decade. I have seen the great strength of our country; and in my view, the source of that great strength is our Constitution. The RESTORE Act provides tools to keep this Nation safe and upholds our Constitution and our laws. So I urge my colleagues to vote ''yes'' on the RESTORE Act.

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

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the former chairman and current ranking member of the Homeland Security Committee, the gentleman from New York (Mr. KING).

Mr. KING of New York. I thank the ranking member for yielding and, Mr. Speaker, I rise today in opposition to this legislation.

Mr. Speaker, the United States has been at war with Islamic terrorism since September 11, 2001. This is a war which threatens our survival as a civilization, and it is a war where it is essential that we maximize the use of electronic surveillance which is one of the strongest weapons in our arsenal. It is a weapon which should not be trivialized, nor should the struggle be trivialized by using such terms as ''spying'' and ''snooping.''

It is important we keep in mind who the real enemy is. The real enemy is al Qaeda and Islamic terrorism, not the men and women of our own government who are working so hard to protect us.

Mr. Speaker, the Protect America Act, which was passed less than 3 months ago, updated FISA and struck the appropriate balance between protecting our citizens from terrorist attacks and protecting our civil liberties.

Tragically, today's bill, the RESTORE Act, marks an undeniable retreat in the war against Islamic terrorism. It limits the type of foreign intelligence information that may be acquired and actually gives foreign targets more protections than Americans get in criminal cases here at home.

By sunsetting this legislation in 2 years, the RESTORE Act fails to provide permanency and guidance to the intelligence community. The RESTORE Act also fails to provide legal protection and immunity to those American companies who answered the call of this administration and also answered the call of an administration which believed that this policy was legal, and not only this administration, but high-ranking officials from previous administrations, Democrat and Republican, who believed that these policies were legal and constitutional. There was no personal gain for these companies. To allow them to be subjected to lawsuits for answering the Nation's call in time of great peril is mean-spirited, vindictive and shortsighted.

Mr. Speaker, I strongly urge defeat of this misguided legislation.

Mr. CONYERS. Mr. Speaker, I am proud to recognize the chairman of the Crime Subcommittee, BOBBY SCOTT of Virginia, for 3 minutes.

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding and appreciate his leadership in efforts to address warrantless surveillance under the Foreign Intelligence Surveillance Act, or FISA, and for introducing a bill that corrects many of the shortcomings of the bill that passed the House last August.

The RESTORE Act establishes a strong framework, much stronger than the administration's bill, to fight terrorism effectively, while providing reasonable safeguards to protect personal privacy. There are several important clarifications made in the bill.

One important change draws the appropriate distinctions based on physical location and types of targets. There has never been any controversy over the fact that surveillance directed at people, all of whom are overseas, you don't need a warrant in that situation.

The second is that the bill removes vague and overbroad language in the bill that passed last August that would allow wiretapping of conversations without a warrant if the communication was concerning a foreign target. That by its own wording suggests that if two citizens are in the United States talking about someone overseas, you could wiretap their communications without a warrant. The bill before us makes it clear that the persons involved in the conversation must be overseas, not just that the subject of the conversation must be overseas.

Third, the RESTORE Act goes a step further than the administration's bill and only allows expanded wiretapping authority in cases involving foreign intelligence unless it relates specifically to national security, as opposed to the overexpansive nature of foreign intelligence. Foreign intelligence can include anything, a trade deal or anything of general foreign affairs activities. If you are talking about national security, let's talk about national security.

Finally, the RESTORE Act was made even stronger in the committee by requiring the Department of Justice in its application to the court to specify the primary purpose of the wiretapping. Under FISA, when an agent wanted to obtain a warrant, he had to certify the purpose of the wiretap. The standard was altered in the PATRIOT Act which says it only has to be a significant purpose.

We have to put this change in context because the Department of Justice has not credibly refuted the allegations that some U.S. Attorneys were fired because they failed to indict Democrats in time to affect an upcoming election. So if the Department of Justice wiretapped someone when foreign intelligence is not the primary purpose, you have to wonder what the primary purpose is. This bill would require the administration to reveal the true purpose of the wiretap.

Mr. Speaker, in the fight against terrorism, we do not have to sacrifice constitutional protections or trust this administration to secretly protect the rights of Americans without public accountability. It is important to note that everything that the administration can do in its own bill it can do under this bill. We just require them to get a warrant before they do it or get a warrant after they do it if they are in a hurry, but they can wiretap and get the information. We just provide a little modicum of oversight to ensure that the laws are being obeyed.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES), the ranking member of the Crime, Terrorism and Homeland Security Subcommittee of the Judiciary Committee.

Mr. FORBES. Mr. Speaker, as you listen to this debate and those watching at home listen to it, the only thing that they hear are Democrats saying one thing and Republicans saying another thing. They don't know who to believe. They listen to the debate and they hear hatred of the Presidency and hatred of Republicans. But, Mr. Speaker, we just invite you today, take a moment and a breath and put all of that hatred on the shelf for just a second, and to remember that the Director of National Intelligence, not an appointee from President Bush but from President Clinton, has stated that their approach will be devastating to the intelligence-gathering capability of the United States.

Mr. Speaker, here are the facts that we know. In the late 1990s, we cut intelligence. Then we had 9/11 where we had the worst terrorist attack to ever hit our shores. Since that time, regardless of who did it and deserves the credit, we have not had a major terrorist attack hit the United States, and now we are trying to repeat the cycle and cut intelligence-gathering capability again. We all know what is going to happen if, and some would say when, another terrorist attack hits. We are going to bring law enforcement in and we are going to point our finger at them and say: Why didn't you stop it?

Mr. Speaker, just recently we had one of our NFL football coaches get in trouble because he was trying to steal the signals of an opposing team. Everyone argued and agreed that wasn't fair. And they were right; but that was a game. Mr. Speaker, in this particular situation it is not a game. We don't want a fair fight. We want to steal every signal we can from enemies who are trying to harm this Nation, and we want to know what they are doing before they do it so we can protect and defend this country.

Mr. Speaker, I just invite us to take the hatred off the shelf, take the rhetoric off the shelf, and to exchange it for ration and reason so we can do what we need to do to gather the intelligence to keep our people safe.

Mr. REYES. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL), a fellow Vietnam veteran, a member of the House Intelligence Committee.

Mr. BOSWELL. Mr. Speaker, first I support this bill. It is a good bill, and it protects the Constitution.

I would like to speak principally to my colleagues who, like me, are concerned about what the bill does and the fact that it does not address fully the issue of carrier liability. As you know, the administration and telecommunication companies have requested that we provide them with immunity from lawsuits or prosecutions arising out of information and assistance they may have provided to the intelligence community.

Now, we don't precisely know what information they have provided. We don't know what they were told by the administration about the legality of what they were doing. I hope and believe those companies acted in good faith with patriotism. They were trying to do their part for national security, and I think they deserve our appreciation. I take seriously their concerns that they might be subject to liability.

That being said, I don't believe it should be the responsibility of the telecommunications companies to prove that they provided the information in a legal way if the Federal Government fails to meet the burden of proof that the demand or request for information is brought forth in a legal manner. If that burden of proof is not met, it should be the government that should be held primarily accountable.

I believe that eventually we should be able to take care of any company who acted in good faith and cooperated in the name of protecting our Nation.

No one who acted out of good faith with a desire to protect America should be punished. But we must know what brought forth their action, and under what circumstances, and what pressure, if any, they acted. As this process moves forward, I expect to get more information from the administration on their generation of the demands or requests for information. Support the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to my colleague and the former district judge from Texas (Mr. GOHMERT), who is also the deputy ranking member of the Crime, Terrorism and Homeland Security Subcommittee of the Judiciary Committee.

Mr. GOHMERT. I thank the ranking member.

I appreciate Chairman REYES' service to this country. I believe people on the other side of the aisle mean well when they say they want to protect the Constitution. The problem is this extends the Constitution beyond America to our enemies on foreign soil who cut off heads of Americans. That's just the way it is. It does that.

Now, we keep hearing across the aisle: This has nothing to do with foreign-to-foreign calls; it has nothing to do with foreign terrorists on foreign soil calling foreign terrorists, and it says that in the bill. You don't have to worry about that. You don't need a warrant for that.

The trouble is there is no conceivable time that an honest intelligence gatherer overseas can swear that a foreign terrorist that he wants to surveil will never under any circumstances call the United States. Since he can't swear to that and since there is a chance, especially since this law is public and the terrorists will know all they need to do is call America, order flowers, call time and temperature, they have made a call on American soil and they come within the requirement of getting a court order. It is very clear.

This doesn't extend the Constitution in a way that it should be on American soil. It protects enemies. I know people on the other side, you just want to protect civil liberties, but what scares me is what will happen when a terrorist attack in the nature of 9/11 comes again. People will rush to take away civil liberties, and people will voluntarily give up civil liberties for protection, liberties that were so hard fought.

So for those who are really going to be protected, I don't understand the concern. This is going to protect also Americans who get calls from foreign terrorists on foreign soil. That is what this is really going to do.

I don't think it is too much in the interest of America, tell your American friends to tell their terrorist friends on foreign soil, don't call me, use some other means of communication.

Mr. CONYERS. Mr. Speaker, I am pleased now to recognize the gentlewoman from California (Ms. HARMAN) whose experience in intelligence matters and FISA in particular are well known, and I yield to her 2½ minutes.

□ 1300

Ms. HARMAN. Mr. Speaker, I thank Chairman CONYERS for yielding to me and commend him, Chairman REYES, and others for their work on this bill.

Though I no longer serve on the Intelligence Committee, I have followed this issue with intense interest. This bill contains many provisions that I and others authored over recent years. It is a strong bill and I strongly support it.

It amends FISA to permit more speed and agility in the effort to conduct surveillance of those who would do us harm, but it also provides more resources in a court-approved framework to assure that the constitutional rights of Americans are protected.

I continue to follow the intelligence in my role as Chair of the Homeland Security Intelligence Subcommittee, and threats against our homeland are real. Westerners are training in al Qaeda camps in the tribal areas of Pakistan. Europe, especially Britain, may experience more attacks. Plots have recently been foiled in Denmark and Germany. We helped Britain disrupt the so-called ''liquid bomb plot'' in August of 2006, a plot that could have killed more Americans than were killed on 9/11 as they flew on U.S.-bound airlines from England.

Mr. Speaker, all Members want to protect America. All Members want to protect America. So it deeply saddens me that this is yet another partisan debate. It could have been otherwise.

For several weeks, PETE HOEKSTRA, who chaired the Intelligence Committee when I was privileged to serve as ranking member, and I tried to fashion a bipartisan bill. Our list of principles could, I believe, have garnered broad support in both caucuses and led to a veto-proof majority in this House.

Americans want Congress on a bipartisan basis to assure we disrupt plots to harm us and protect our Constitution. We could do both and we must do both. This is a strong bill. It does both. Vote ''aye.''

Mr. EVERETT. Mr. Speaker, I rise today in strong opposition to the RESTORE Act, which reauthorizes the Foreign Intelligence Surveillance program. As a Member of the Select Committee on Intelligence, I am deeply troubled that the majority has determined to handcuff the ability of the Intelligence Community (IC) to collect foreign intelligence information.

Forgive me for stating the obvious, but ladies and gentleman, we are at war. We should be helping the IC in their efforts to protect Americans and fight the war on terror; this legislation needlessly ties our hands in collecting foreign intelligence information.

Here are a few of the problems with this bill: No liability protection for the telecommunications companies who have responded to the IC's call for help since the 9/11 attacks; extends constitutional (4th Amendment) protections for terrorists by requiring FISA court approval to monitor individuals outside the U.S.; new and cumbersome FISA court guidelines for IC operations; Justice Department audits of IC activities and operations; onerous and duplicative reporting requirements by the DNI; and the list goes on . . . .

Mr. Speaker, under this legislation, the Majority has made it clear that our Intelligence agencies should be guided by the tenants of the American Civil Liberties Union (ACLU) when monitoring terrorist activity.

This policy is reckless and I urge a ''no'' vote.

Mr. BACA. Mr. Speaker, I rise today to ask for support of the RESTORE Act. It provides important tools to support U.S. intelligence gathering efforts and protects against terrorists. And it does so while safeguarding Americans' civil liberties.

I hope that as the legislative process plays out, the issue of carrier immunity is dealt with in a manner that will facilitate cooperation. Obtaining intelligence to protect our country against terrorists is the ultimate goal and this bill does this in a fair and balanced manner. Innocent Americans will have stronger protections and the intelligence needed to protect our country will not be compromised. Accountability is always a good thing.

We will have much needed congressional oversight, compliance reports from the Attorney General and audit reports by the Inspector General of the Department of Justice.

The RESTORE Act is a great balance and a positive move in the right direction.

Please support this important legislation.

Mr. CHANDLER. Mr. Speaker, while I am pleased to stand here today and support the RESTORE Act of 2007 because I believe it is critical as part of our nation's defense, I urge us to work together in the coming weeks to end the uncertainty facing some of our corporate citizens in dealing with the threat posed by Islamic fundamentalists.

Particularly, I am referring to our nation's telecommunications carriers, companies that historically have been a critical piece of our successful national security apparatus. These U.S. companies, who combined employ well over half a million Americans, should be treated with appreciation for the cooperation they display in the effort to keep our people safe.

In the confusion and muddied backdrop of the debate, what has clearly been left aside is the longstanding and consistent policy of Congress and the courts that governs the way these companies may lawfully provide assistance to law enforcement and intelligence agencies. This policy is that telecommunications carriers are authorized to assist government agencies in a wide variety of circumstances; public policy encourages such cooperation; and, consistent with that policy, when a carrier cooperates in good faith with a duly authorized request for assistance, the carrier is immune from liability to third-parties. In the interest of our nation's security, these carriers should continue to have immunity when cooperating in good faith.

We must work together over the coming weeks to clarify the role of carriers in this debate, and specifically offer the appropriate path to immunity when such highly sensitive matters are involved. Telecommunications carriers are nothing less than patriotic citizens fulfilling their role in our global struggle against terrorism.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 746, further proceedings on the bill will be postponed.

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 1 o'clock and 1 minute p.m.), the House stood in recess subject to the call of the Chair.

□ 1453

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ROSS) at 2 o'clock and 53 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 2095, FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 724 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 724

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2095 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

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

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, 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 gentlewoman from California?

There was no objection.

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

Mr. Speaker, H. Res. 724 provides a structured rule for consideration of H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. The resolution provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule makes four amendments in order. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI.

As the debate in the Rules Committee demonstrated, Members on both sides of the aisle are focused on getting this bill to conference and onto the President's desk, and this rule reflects that consensus.

I want to thank Chairman OBERSTAR and Chairwoman BROWN for their leadership in addressing rail safety issues. Attention and investment to the safety of our rail infrastructure and workers is needed.

Congress last reauthorized the Federal Railroad Administration, also known as FRA, rail safety programs in 1994 and that authorization lapsed in 1998. In the time since Congress last took a comprehensive look at railroad safety, much has changed with our Nation's freight and passenger rail infrastructure. The amount of goods transported by rail has increased dramatically and more often our population is turning to rail as an alternative to getting into their cars. This is creating a greater demand on our rail infrastructure.

The bill before us today, the Federal Railroad Safety Improvement Act of 2007, would authorize our Federal rail safety programs at $1.2 billion over 4 years. This bill makes important investments in our current rail safety programs and creates new grant programs for grade crossing safety and train control technology.

Additionally, the importance of safety will be reflected in the renaming of the FRA to the Federal Railroad Safety Administration. This is significant because a new name would emphasize the Federal role in the safety of rail transportation.

A fresh look at rail safety is long overdue. Over the next 20 years, the demand for freight and passenger rail is expected to grow and continue to play an important role in our economy and in our communities. Now is the time to make an investment in the safety of our rail infrastructure, as well as the training of the men and women who work on the rail lines. This way we can embrace the growth of our Nation's infrastructure and face it in a responsible way.

For example, the Department of Transportation has estimated that the amount of freight moved on rail will increase by 50 percent from 1998 to 2020. If you live in a community with a rail line, you are already experiencing this growth firsthand. In my district of Sacramento, there are two freight lines, and the largest railroad switching yard west of the Mississippi lies just outside of my district in Roseville. I understand how big a role freight lines play in a community. When something goes wrong with a freight line, the community knows about it immediately. Freight carried by these rail lines must be transported safely and securely, particularly when it travels through densely populated urban areas.

As the freight rail industry continues to grow, it will need a well-trained and safe workforce. Addressing safety and training issues now will benefit all our communities and our national economy in future years.

□ 1500

This bill makes that investment and nearly doubles the number of FRA inspectors from 440 to 800.

Safety on our passenger rail lines is equally important. In fiscal year 2007, close to 26 million passengers chose to take trains. This is a 6.3 percent increase from the previous year. We can only expect these ridership numbers to increase as Americans seek travel alternatives in an attempt to turn away from congested highways and overstressed airlines.

In northern California, the Capital Corridor line has shown incredibl increases in ridership. In 1998, 544,000 passengers traveled on the Capital Corridor line. In 2007, the Capital Corridor ridership has almost tripled to almost 1.5 million passengers.

In 2007, throughout the entire State of California, 5 million passengers rode

on rail. Translated to vehicle miles, that is 500 million miles, which, simply put, means half a billion vehicle miles not on our highways and thus saving gas, reducing congestion and not polluting our air.

I say this because we need to protect and encourage this upward trend not only in California but across the Nation.

To do this, it is important that we invest in safety at a proportional rate to our ridership growth and freight growth. Our citizens must continue to have confidence in our rail infrastructure.

Finally, the demand on our rail infrastructure has outgrown our ability to keep our rail system safe. We must also ensure that our rail workers are getting the training they need, but also the rest between shifts.

According to the FRA, 40 percent of all train accidents are the result of human factors, and one in four of those accidents result from fatigue. These accidents are preventable, and it's time that we address the problem.

This bill makes the necessary changes to address employee fatigue. It increases the minimum rest period for employees from 8 to 10 hours and also phases in a limit of 10 hours of the amount of limbo time an employee can accrue each month.

In closing, this bill addresses the critical issues of worker fatigue, timely and thorough inspections, as well as enforcement of safety regulations. In short, this bill reinstates rail safety as a top priority for our communities, workforce, and the millions of people who ride our rail lines.

I encourage my colleagues to vote for this rule and the underlying bill.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd like to thank my friend, the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself such time as I may consume.

The Federal Railroad Administration was created by the Department of Transportation Act of 1966. The Federal Railroad Administration, FRA, is charged with overseeing the Federal rail safety program.

As all of our colleagues know, Mr. Speaker, railroads crisscross every congressional district, and their safe operation is of national importance, especially since they play such an integral part in our national economy by transporting products and people to and from ports, and in the instance of products, from manufacturers, to suppliers, to the consumers.

Since 1978, there's been a dramatic decline in the number of railway accidents. Last year, there were just over 2,800 such accidents, obviously too many, but a significant decline compared to the past. Obviously more can be done to reduce the number of accidents and save lives, and more should be done.

FRA classifies the causes of train accidents into five categories: human factors, track and structures, equipment, signal and train control, and miscellaneous. Of those categories, human factors and track are responsible for the majority of train accidents. Last year, 2006, over 70 percent of such accidents were caused by human factors or track defects.

Most rail-related deaths are to pedestrians on rail lines, trying to cross obviously, and motorists colliding with trains at grade crossings. While there are nearly 1,000 rail-related deaths each year, about 20 to 30 rail employees unfortunately are killed while on duty each year.

The underlying legislation being brought forward by this rule, the Federal Railroad Safety Improvement Act of 2007, seeks to reduce the number of accidents caused by human fatigue by strengthening the hours of service law for signalmen and train crews. The legislation makes changes to what is known as limbo time, which is the wait period when locomotive crews wait for pickup after a day's run. Specifically, the bill phases down limbo time over 3 years, 40 to 30 to 10 hours per month. The bill also creates new exceptions to limbo time in the case of an accident, track obstruction, weather delays or natural disasters. It gives signal and train workers additional hours of rest, 10 hours in 24, and mandatory days off, 1 in 7.

The Department of Transportation estimates that by 2020 the amount of freight moved by rail, measured by weight, will increase by approximately 50 percent. Furthermore, many local governments are interested in establishing, or expanding, commuter rail operations, which often operate on the freight rail network. As a result, the number of train miles on the Nation's freight rail network will significantly increase in the coming years. If train accident rates do not improve, this will lead obviously to an increased number of accidents, injuries and fatalities and some of the gains of the past decade may be lost, and obviously we'd like to avoid that.

I'd like to thank both Chairman OBERSTAR and Ranking Member MICA for their bipartisan work on this legislation, especially on this issue of the limbo time. I think it goes to show that when people are willing to work together across the aisle to try to come up with compromises that good progress can be made.

Now, unlike the bipartisan nature by which the Transportation Committee worked on this bill, the majority in the Rules Committee did not live up to that standard. Only four out of 10 amendments. There were 10 amendments proposed. A lot of time those amendments take a lot of work by Members, a lot of work, a lot of time, a lot of dedication, and only four out of the 10 amendments that Members brought to the Rules Committee were made in order, and of those, only one was an amendment by a Member of the Republican side of the aisle.

During consideration of this rule, Mr. Speaker, the minority made several attempts to make Republican amendments in order, but in the Rules Committee, the majority blocked each amendment by a party-line vote, and I think that's unfortunate. It's quite a contrast to how the Transportation Committee worked and some other committees in this Congress.

It's unfortunate, especially when we take into account the promises made by the majority that they would bring transparency and openness and fairness to the process. We see time and time and time again exactly the opposite. This is really sad.

Mr. Speaker, I reserve my time.

Ms. MATSUI. Mr. Speaker, I'd like to inquire of the gentleman from Florida if he has any more speakers.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would inform my friend that we do not.

Ms. MATSUI. Okay. I'm prepared to close after he's finished.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, thank you very much for your courtesy. I thank my good friend Ms. MATSUI for hers as well.

Again, with regard to the underlying legislation, it's important legislation. I think it's a good work product that's come forth from compromise, people reaching out from both sides of the aisle and working together. But the rule, unfortunately, is most unfair, as is typically the case with this new majority.

Mr. Speaker, I will be asking for a ''no'' vote on the previous question so that we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule.

Under the current rule, so long as the chairman of a committee of jurisdiction includes either a list of earmarks contained in the bill or report, or a statement that there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress.

However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule or on the bill.

I'd like to direct our colleagues, Mr. Speaker, to a letter that the House Parliamentarian, Mr. John Sullivan, recently sent to the Rules Chair, Ms. SLAUGHTER, which confirms what we have been saying since January, that the Democratic earmark rule contains loopholes. In his letter to Chairwoman SLAUGHTER, the Parliamentarian states

that the Democratic earmark rule ''does not comprehensively apply to all legislative proposition at all stages of the legislative process.''

I will insert this letter in the RECORD at this point.

HOUSE OF REPRESENTATIVES,
OFFICE OF THE PARLIAMENTARIAN,
Washington, DC, October 2, 2007.

Hon. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order ''except those arising under clause 9 of rule XXI'' should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called ''manager's amendment'' to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called ''manager's amendment,'' i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN.

This amendment will restore the enforceability and accountability of the earmark rule to where it was at the end of the 109th Congress to provide Members with an opportunity to bring the question of earmarks before the House for a vote. I would urge all my colleagues to close this loophole by opposing the previous question.

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

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

There was no objection.

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

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Florida and yield myself the balance of my time.

Let me first say that the earmark rule is not waived in this rule despite the claims of my colleagues. I urge them to read lines 6 and 7, that the rule specifically excludes the earmark rule from the waiver. Any suggestion otherwise is simply untrue.

Mr. Speaker, this bill is important to our economy and the millions of Americans who travel on trains every year. This is the first time in well over a decade that Congress has taken a comprehensive look at our rail safety programs. During that time, the demand on our freight and passenger rail infrastructure has increased dramatically.

This bill addresses the critical issues of worker fatigue, timely and thorough inspections, as well as enforcement of safety regulations.

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

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 724 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the 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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 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 H. Res. 724, if ordered; and suspending the rules on H. Con. Res. 222.

The vote was taken by electronic device, and there were—yeas 218, nays 194, not voting 19, as follows:

[Roll No. 977]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
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
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)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
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)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NAYS—194

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

NOT VOTING—19

Carson
Culberson
Hastert
Hirono
Jindal
Johnson, E. B.
Jones (OH)
Knollenberg
Lewis (GA)
Mahoney (FL)
Markey
Moore (WI)
Musgrave
Olver
Scott (GA)
Tancredo
Whitfield
Wilson (OH)
Young (AK)

□ 1537

Ms. GINNY BROWN-WAITE of Florida changed her vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 977, I voted electronically, but for some reason, my vote was not recorded. Had I been present, I would have voted "yea."

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMENDING NASA LANGLEY RESEARCH CENTER ON ITS 90TH ANNIVERSARY

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. 222, 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 Texas (Mr. LAMPSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 222.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 10, as follows:

[Roll No. 978]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
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
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
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
Herger
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 (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 (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
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)
Petri
Pickering
Pitts
Platts
Poe
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
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
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 (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—10

Carson
Jindal
Johnson (GA)
Johnson, E. B.
Lewis (GA)
Markey
Peterson (PA)
Tancredo
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1548

Mr. SHAYS, Mr. HELLER of Nevada, Mr. SULLIVAN, Mrs. SCHMIDT, Mrs. CUBIN, and Mr. TERRY changed their vote from ''nay'' to ''yea.''

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.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2095, and to include extraneous material in the RECORD pertinent thereto.

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

There was no objection.

FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 724 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2095.

□ 1550

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes, with Mr. POMEROY in the chair.

The Clerk read the title of the bill.

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

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

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

Mr. Chairman and colleagues, we gather here for an historic moment in the history of transportation, particularly the history of rail transportation. And I'm glad there are so many Members still gathered on the floor to listen to an erudite conversation that we are going to have on both sides of the aisle about the history of rail safety.

Although our committee has had jurisdiction over the rail sector for the past dozen years, this is the first time the committee has brought a rail safety authorization bill to the House floor. It is, in fact, only the second time in 100 years that the House will consider amendments, adjustments to the hours of service rule in the rail sector.

We bring to you an important bill that addresses long-neglected failings and shortcomings of safety in the rail sector that will make the railroad safer in the future; that will make jobs for workers in that sector safer in the future; that will make safer passage through towns through which railroads pass, often with toxic substances, toxic chemicals, frankly, the safest way to move those substances, but we are going to make it safer with this legislation.

I particularly want to thank the distinguished Chair of the Subcommittee on Railroads, the gentlewoman from Florida (Ms. CORRINE BROWN) for her persistent leadership, persistent efforts over the past years of service on the committee in support of rail safety; and the gentleman from Florida (Mr. MICA), ranking member of the full committee, participating in substantive discussions that resulted in compromises that we bring to the floor; and to the gentleman from Pennsylvania (Mr. SHUSTER), who has a large rail presence in his own district and, of course, in the State of Pennsylvania.

In each of the past five Congresses, I have introduced for consideration by the committee broad scope rail safety legislation and pledged that if it isn't considered in each of those Congresses, when the majority would turn and I would have the opportunity to lead the committee, that we would move such legislation. And today we deliver on that commitment.

The discussions that we had were inclusive. They were extensive. They were intensive. There were adjustments made on both sides with the result that, as the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) said during consideration of the rule, this is a bipartisan bill.

The Federal Railroad Administration has reported that the total number of train accidents, collisions, derailments, and others increased from 2,504 in 1994 over the next decade to 3,325 in 2005. Thankfully, over the last year, that number decreased to 2,925. Those improvements in rail safety statistics are a good sign. But I know from more than 25 years of chairing subcommittees on safety issues that we have a long way to go. Serious accidents resulting in fatalities, injuries, and environmental damages continue to occur and will continue to occur. Equipment can fail, people make mistakes, storms happen that cause those accidents. But we have to do everything that is possible in our realm to make sure that those accidents are minimized.

Safety requires constant vigilance by workers on the job, by employers, by

government safety oversight agencies, and by the Congress. Whether it is in mining, whether in maritime, whether in aviation, trucking, highway passenger vehicle traffic, or in the railways, vigilance is the key to safety. Safety, I define, is the relative absence of risk. And when we apply that standard to every mode of transportation and we enforce it, we will achieve greater protection of the public interest.

The FRA says that 40 percent of all train accidents result from human factors, and that's a comparable number in the other modes of transportation as well. In railroading, one in four of those accidents results from fatigue. In testimony at our committee hearings, the National Transportation Safety Board said, ''The current railroad hours of service laws permit, and many rail carriers require, the most burdensome, fatigue-inducing work schedule of any federally regulated transportation mode in the country.'' And a comparison of the modes is revealing.

A commercial part 121 airline pilot can work up to 100 hours a month. A part 135, generally known as a charter operation, can work up to 120 hours a month. Shipboard personnel on ocean-going vessels can work up to 360 hours a month. A truck driver can be on duty for 350 hours a month. But in train crews, they can be on duty up to 432 hours a month. That's 14 hours a day for each of those 30 days.

Fatigue sets in. Fatigue causes people to lose concentration, to lose focus, to lose control. Vince Lombardi said, ''Fatigue makes cowards of us all.'' He didn't mean physical cowards. He meant inability to make the right judgments.

□ 1600

And that's what fatigue does in the workplace. If you have any question about it, look at some of the things we say around this body at 2, 3 or 4 o'clock in the morning after 14 or 16 hours of debate. It doesn't make a whole lot of sense when you listen to it or when you read it. And it doesn't make any better sentence in the locomotive.

Congress made some slight modifications to the hours of service law in 1969, but this bill is the first major reform of rail hours of service standards since 1907. Our duty is to make hours of service safer and better. And this bill provides signal and train crews with rest, prohibits them from working more than 12 hours in a day, limits limbo time. I said in the beginning of the hearing, if it was good enough for the Pope to eliminate limbo, it ought to be good enough for the Congress to at least limit it in rail service.

The bill also requires all class 1 railroads to implement a positive train control system, which was the NTSB's most wanted transportation safety improvement since this was developed in 1990.

The legislation also addresses track safety. In 2006, track-related accidents surpassed human factors as the leading cause of all train accidents. Just look at the list. Most recently, in Oneida, New York; Pico Rivera in California; Home Valley in Washington; Minot, North Dakota; Nodaway, Iowa. All of them raise serious questions about the condition and the safety of the track on the Nation's railways, call into question the adequacy of track safety regulation and FRA's, Federal Railroad Association's, oversight of those conditions.

This bill requires the railroads to inspect their tracks, to look for internal defects, and provides increased funding for Federal Railroad Administration for track inspection technology, and strengthens enforcement at the Federal Railroad Administration.

FRA investigated just 13 percent of the most serious grade crossing collisions. We've got to do better than that. In 2004, the FAA conducted onsite investigations of 1,392, 93 percent of the aviation accidents that FAA had responsibility for investigating, but the FRA did only 13 percent. That's not good enough. That's not conducting oversight. That's not accepting and exercising your governmental oversight responsibility and responsibility to the public.

We increase the number of inspectors for safety at the FRA. We will double the number of Federal rail safety inspectors over the next 4 years. And we do many other items that are of great importance. I will include in the RECORD at this point the committee document that lists in specific detail all those safety improvements.

H.R. 2095, THE FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

REAUTHORIZES THE FRA

Establishes the FRSA. Re-establishes the Federal Railroad Administration as the Federal Railroad Safety Administration (FRSA), which shall consider the assignment and maintenance of safety as the highest priority. Creates a new position of Chief Safety Officer.

Rail Safety Strategy. Requires the Secretary to develop a long-term strategy for improving rail safety, which must include an annual plan and schedule for, among other things, reducing the number and rates of accidents, injuries, and fatalities involving railroads.

Reports. Requires regular reporting from the Department of Transportation's Inspector General and the National Transportation Safety Board on the FRSA's progress in implementing statutory mandates and open safety recommendations.

Financing. Increases funding for the Federal rail safety program for fiscal years 2008 through 2011, as follows: $230 million for FY2008; $260 million for FY2009; $295 million for FY2010; and $335 million for FY2011. In addition, $18 million is authorized for the design, development, and construction of the Facility for Underground Rail Station and Tunnel at the Transportation Technology Center in Pueblo, Colorado.

WORKER AND PUBLIC SAFETY

Hours of Service Reform. Provides signal and train crews with additional rest; prohibits them from working in excess of 12 hours; extends hours-of-service standards to railroad contractors; limits limbo time; eliminates the use of camp cars; and requires railroads to develop fatigue management plans.

Training. Establish minimum training standards for railroad workers, and requires the certification of conductors and carmen.

Medical Attention. Prohibits railroads from denying, delaying, or interfering with the medical or first aid treatment of injured workers, and from disciplining those workers that request treatment. Also requires railroads to arrange for immediate transport of injured workers to the nearest hospital.

Emergency Escape Breathing Apparatus. Provides emergency breathing apparatus for all crewmembers on freight trains carrying hazardous materials that would pose an inhalation hazard in the event of unintentional release.

Installation of Safety Technologies. Mandates implementation of positive train control by December 31, 2014, and authorizes the FRSA to establish a grant program to assist railroads in implementing this requirement. Also requires railroads to either install technologies in nonsignaled territories that alert train crews of misaligned switches or operate trains in such areas at speeds that will allow them to safely stop in advance of a misaligned switch.

Rail Passenger Disaster Family Assistance. Directs the NTSB to establish a program to assist victims and their families involved in a passenger rail accident, modeled after a similar aviation disaster program.

TRACK SAFETY

Internal Rail Defects. Requires railroads to conduct inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects, and to perform integrity inspections to manage an annual service failure rate of less than 0.1 per track mile on high-risk corridors. Also encourages railroad use of advanced rail defect inspection equipment and similar technologies as part of a comprehensive rail inspection program.

Concrete Crossties. Directs the FRSA to develop and implement regulations for all classes of track for concrete rail ties.

Inspection Technologies. Directs the FRSA to purchase, with amounts appropriated, six Gage Restraint Measurement System vehicles and five track geometry vehicles to enable the deployment of one Gage Restraint Measurement System vehicle and one track geometry vehicle in each region.

GRADE CROSSING SAFETY

Toll Free Number to Report Grade Crossing Problems. Requires the railroads to establish and maintain a toll-free telephone number for reporting malfunctions of grade crossing signals, gates, and other devices and disabled vehicles blocking railroad tracks.

Sight Distance. Directs the railroads to remove overgrown vegetation at grade crossings, which can obstruct the view of approaching pedestrians and vehicles.

Accident and Incident Reporting. Requires the FRSA to conduct periodic audits of railroads to ensure they are reporting all accidents and incidents the National Accident Database.

National Crossing Inventory. Requires railroads to report current information, including information about warning devices and signage, on grade crossings to enable the FRSA to maintain an accurate inventory of such crossings.

State Action Plan. Requires the Secretary to identify on an annual basis the top 10 States that have had the most grade crossing collisions, and to work with them to develop a State Grade Crossing Action Plan that identifies specific solutions for improving safety at grade crossings.

Emergency Grade Crossing Improvements. Establishes a grant program to provide

emergency grade crossing safety improvements at locations where there has been a grade crossing collision involving a school bus or multiple injuries/fatalities.

ENFORCEMENT

Civil Penalties. Increases civil penalties for certain rail safety violations from $10,000 to $25,000. The minimum civil penalty remains $500. For grossly negligent violations or a pattern of repeated violations, the maximum civil penalty is increased from $20,000 under current law to not more than $100,000.

Criminal Penalties. Increases the maximum penalty for failing to me an accident or incident report from $500 to $2,500.

Enforcement Transparency. Requires the FRA to provide a monthly updated summary to the public of all railroad enforcement actions taken by the Secretary.

Safety Investigations. Makes it unlawful for any person to knowingly interfere with, obstruct, or hamper an investigation by the Secretary of Transportation or the National Transportation Safety Board.

Railroad Radio Monitoring. Authorizes the FRSA to intercept and record certain railroad radio communications for the purpose of correcting safety problems and mitigating the likelihood of accidents or incidents.

Inspector Staffing. Doubles the number of Federal rail safety inspectors by December 31, 2011.

OTHER

Tunnel Information. Requires railroads to maintain certain information related to structural inspections and maintenance activities for tunnels, and requires those railroads to provide periodic briefings to the government of the local jurisdictions in which the tunnels are located, including updates whenever a repair or rehabilitation projects alters the methods of ingress and egress into and out of the tunnels.

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

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

We are here today to consider one of the most important pieces of legislation that we will undertake this year, as the chairman pointed out, the Federal Rail Safety Improvement Act of 2007.

As the chairman pointed out, there are still accidents that occur and there are still deaths that occur on rail, but to put that into perspective, in 2006, it was in fact the safest year ever in our Nation's railroad history.

Over the past 30 years, we have made tremendous progress in reducing the number of train accidents and deaths that occur around our rail yards and railroad lines. Let me give you some of those statistics.

In 1996, there were 33 railroad employees that were killed; in 2006, it's down to 16. Now, that's 16 too many, and we can continue to reduce that as we're attempting to do in this bill, but as you can see, there has been definite improvement.

Passenger trains, which were carrying, in 1996, 397 million people, in that year, there were 12 passengers killed. In 2006, there were 549 million passengers that were transported by train, and there were only two killed in 2006. Once again, a significant decrease. Any death is too many, but we're seeing positive results in the rail industry. In 1996, 488 people were killed at grade crossing accidents; and in 2006, that number, again, is down to 369.

While those numbers are high, this bill is going to address, as I will talk about here, how it's going to address those unsafe conditions and how we can improve making them safer for the traveling public and, of course, the rail industry.

One of the biggest issues we address in this bill is limbo time, the time that train crews must wait for pickup at the end of a run. Limbo time is very complicated. We went through some complicated negotiations, but in the end, limbo time will still exist. And I think it's important that people know that the limbo time that employees wait at the end of their run, they are being paid for limbo time, but it extends that waiting period and can result in crews being fatigued. So we phased that down in this bill. We phased down limbo time to 10 hours per month over a period of 3 years. Complete elimination of limbo time would have had some unintended consequences, like forcing train crew members to relocate their homes to new reporting points. The compromised language in this bill avoids disrupting the lives of rail workers and should permit railroad operations to continue smoothly and safely.

Another safety concern addressed in this bill is installation of positive train control, or PTC. The bill mandates that PTC be installed by the year 2014, but also provides up to 2 years of leeway in case a better or more effective system is developed.

Installation of PTC will likely cost about $3 billion, but the people that use the system will pay for that. That's not going to be passed on to the taxpayers, but the people that use the system and the rail industry will see some positive things happening in their operations to help them lower their costs. That's why I think it's important that we install an effective and reliable system, and this bill will ensure that.

I must admit that I think the bill still has some weaknesses, and we need to continue to improve in some critical areas. Grade crossing and trespassing fatalities, still the numbers are high. As I mentioned earlier, in 1996, there were 471 fatalities. That number went up, trespassers that died in 2006, to 517. And trespassers are people that are going onto rail properties illegally, they don't belong there, but those trespassing deaths are something we have to address.

Grade crossing fatalities. Again, we've seen them decrease, but we need to do more. I am grateful to Mr. GRAVES, who submitted an important amendment in the committee markup. The amendment is now part of the bill and authorizes up to $250,000 in emergency funding for a crossing which experiences a collision with a school bus or an accident where there is a fatality. Presently, if there is a fatality, that grade crossing just stays on the list, but with Mr. GRAVES' amendment, we're going to push it up until it's prioritized and make sure that crossing is dealt with in a timely manner.

I am also grateful to Mr. BROWN from South Carolina, who helped us create a provision fostering the use of advanced warning devices at railroad crossings.

In closing, I want to thank Chairman OBERSTAR and Chairwoman BROWN, the subcommittee Chair, for working with me and Mr. MICA in trying to make this bill a better bill. As I said, there are still some improvements that we would like to see, and we will continue to work through the process to make the bill a stronger bill.

I urge my colleagues to support H.R. 2095.

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

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the distinguished Chair of our Rail Subcommittee, Ms. BROWN, the gentlelady from Florida.

Ms. CORRINE BROWN of Florida. First of all, let me just thank Chairman OBERSTAR for his leadership on Transportation. Truly, Mr. OBERSTAR is a transportation guru. And his motto, ''Transportation is the committee that put America to work,'' I want to thank you for ''let's put America to work safely.'' I also want to thank Mr. MICA and Mr. SHUSTER for their hard work on this legislation.

Developing this rail safety legislation was the number one priority for the Railroad Subcommittee. Congress last passed legislation to reauthorize the Federal Railroad Administration in 1994. That authorization expired in 1998. Since that time, the railroad industry has changed greatly. Economic growth and increase in international trade has led to record traffic levels. At the same time, Amtrak and the commuter railroads, which often operate freight rail lines, are moving more passengers, which means that there's lots of pressure on the rail system, and this has a major impact on work and public safety.

Since the beginning of the 110th Congress, the subcommittee has held six hearings on rail safety, examined fatigue, the role of human factors in rail accidents, and the reauthorization of the Federal Rail Safety program. We also held two hearings in Texas and California.

In addition to the subcommittee's hearings, we met with labor, the railroads, government agencies, and other interested parties in crafting this legislation. Through some tough negotiations, we were able to develop a bipartisan agreement on the most difficult issues, and I believe we have a really good bill. Let me highlight a number of provisions in the bill.

H.R. 2095 reauthorized the FRA as the Federal Railroad Safety Administration and ensures that it will consider and assign maintenance and safety as their highest priority.

The bill seeks to help prevent accidents caused by human factors, which accounts for about 40 percent of all rail accidents, by strengthening the hours

of service law, increasing worker training and qualifications, and implementing advanced safety technologies.

This bill improves safety at our Nation's grade crossings. It requires railroads to establish, maintain, and post a toll-free number at all grade crossings to receive calls regarding malfunctions of signals, crossing gates, or disabled vehicles blocking crossings.

H.R. 2095 directs the Secretary to prescribe regulations regarding railroads to remove all overgrown vegetation from their right-of-way to improve the view of pedestrians and motor vehicle operators. H.R. 2095 also requires railroads to develop and submit to the Secretary a plan for implementing a positive train control system by December 31, 2014.

Further, it requires the Secretary of Transportation to develop a long-term strategy for improving railroad safety, which must include a plan and schedule for reducing the number and rates of accidents, injuries and fatalities involving railroads.

Simply put, this legislation is going to save lives. I look forward to going to conference and putting a bill on the President's desk for his signature.

I want to again thank Chairman OBERSTAR for his leadership on the committee. And I would encourage all of my colleagues to support this legislation.

Mr. SHUSTER. I yield as much time as he may consume to the distinguished ranking member of the Transportation Committee.

Mr. MICA. Thank you, Mr. SHUSTER, for yielding me time, and also for managing the time today on this bill. Mr. SHUSTER is doing an outstanding job in leading the Republican side of the Rail Subcommittee, and I appreciate his fine efforts. Also, the great efforts of my colleague from Florida (Ms. CORRINE BROWN), who chairs the subcommittee. And indeed, we are fortunate to have someone with Mr. OBERSTAR's leadership at our helm, chairing the committee after a long wait of some 32 years. I know this has been one of his priorities, rail safety, and I'm pleased that he has an opportunity to bring his bill to the floor today.

Now, of course, ladies and gentlemen of the House, my colleagues, we all want safe rail, we want safe infrastructure in our Nation, and it is important that we do everything possible to move safety forward and to make certain that freight rail, passenger rail, that our crossings, that those that work and are employed in this great industry are as safe as possible. And I think that that was the original intent.

Now, let me say that I have an agreement with Mr. OBERSTAR, Ms. BROWN and Mr. SHUSTER to support this bill on passage, and I intend to put my card in the reader and I will vote ''yes.'' That doesn't prohibit me from talking a little bit about the bill and the genesis of this bill.

□ 1615

Now, the intent is one thing about this legislation, and I think, again, it was safety and well-intended. But unfortunately, I think we started out with a bad bill.

The other side won the election, and there were some presents to be presented to labor. This doesn't have a red bow on it. But this started out as something I think that was sort of a gift to labor from the election. It is nice to approach legislation from that standpoint. But I think we have been able to take what I consider a very bad bill, that its intention was to actually codify some of the labor work rules relating to our rail industry. We have taken that bad legislation, and we have made it a little bit better. I think we still have a ways to go.

There are some good things in this. Mr. OBERSTAR pointed out that we did take the number one recommendation of the NTSB, the National Transportation Safety Board. That is the board that does investigate accidents. It is important that we take from them the best information they have possible and then translate that into legislative action so that accident doesn't occur. So, one, we have taken their recommendation, a positive train separation, and it is part of this bill. I am complimentary of that.

I think Mr. GRAVES, the gentleman from Missouri, a member of our committee and outstanding subcommittee Chair, I am sorry, ranking member, of the Public Buildings Subcommittee, his crossing prioritization for changing out dangerous crossings is an excellent provision. I think also that there is a good provision in this for acquiring some of the technical equipment. You have to understand, Mr. SHUSTER said there are very few accidents. In fact, the latest statistics that we have, there were 16 employee deaths in 2006. Only six of the deaths involved train accidents. So it is a very low number. That is compared to 25 of 33 employee deaths in 1996. So there is substantial improvement in that regard.

But if you look at some of the factors, and we have the factors that cause train accidents, you find the human factor is number one. It accounts for some 35, almost 36 percent of train accidents. This bill doesn't do enough, really, to deal with the human factors, in my opinion. Some of that involves training and some other things that we should be addressing.

The second is track defects. I had a chance, when I was going to college, I worked 16 hours a day, 7 days a week on the rail to finance my college education, part of it, and I got to see some of what happens on the railroads firsthand. Track defects today are very difficult to detect just by some of the measures that we have, for example, in this bill.

This bill mandates that we have almost a doubling of track inspectors. Now, that is a nice gift also to the unions. We will get a few more union members. But is that what we need when the way to really detect track defects is with the latest technology and equipment? I did say the bill has authorization for acquisition of, I think, six additional track testing pieces of equipment. But if we really want to do that, we should be spending not just more money on bodies and inspectors and routine inspections, increasing those, kind of makework; we should be, first of all, making certain that we have a risk-based inspection system.

When I become chairman of Aviation, that was one of the things we did in Aviation, and I gave my blessings to, back in 1991. We have enjoyed the safest period of aviation safety, passenger aircraft safety, in the history of our Nation. I believe that is because it is a risk-based system. Rather than going out on a Monday, we are going to inspect this piece of equipment and then we schedule that for the next month on Monday and we go back and we do it and we add inspectors, we look at where the risks are and that is where we put our resources. It is not always how much we spend; it is how we spend it and how we apply those dollars.

Again, I have some questions about the approach in this bill. We do have an agreement. I am pleased to support this. My hope is that we can take this bill as we have done working with Mr. OBERSTAR, Ms. BROWN, Mr. SHUSTER, and we can craft it into a better piece of legislation as it goes hopefully through conference, and I will support it.

In closing, there are some questions about the amendments. I will support the manager's amendment which I agreed to. The other three Members have asked me, and I say, you pick and choose. Mr. OBERSTAR and I did not make the decision on the three other amendments the Rules Committee brought forth, and you will have to assess them as to their own merits.

It is important that we take this legislation up. It is important that we move together in a bipartisan fashion. I have a little bit different set of priorities, again, on some of the issues that we have addressed in the legislation. But I have a fond hope that through a bipartisan future effort we can approve this legislation and continue to make certain that our rail employees, our rail passengers and those that cross the railroad tracks in our communities are safe.

Mr. OBERSTAR. Mr. Chairman, I yield myself 15 seconds.

I thank the gentleman for his comments, for his support of the bill. I am delighted to learn that the gentleman spent so much time on the railroad going through college. We share that. I worked on the rail during my years in the iron ore mines. I worked those double-aught shifts, as well, and I know how hard hours of service are and how important it is for us to put those limits on.

I now yield 3 minutes to the distinguished gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. I thank the gentleman from Minnesota, and I thank

you for your leadership on this very important bill, and Chairwoman BROWN, as well, for your exceptional leadership.

Mr. Chairman, I rise today in support of H.R. 2095, the Federal Railroad Safety Improvement Act of 2007, and urge swift passage of the measure. I believe that this bill addresses many important issues that have been ignored for far too long. I am grateful to the chairwoman, as well, for the inclusion of the language that authorizes funding for the tunnel to be built at the Transportation Technology Center, an internationally recognized train testing facility that she was able to tour last year. It is located in Pueblo, Colorado. TTC is used by the Federal Railroad Administration to conduct significant research and development on rail safety.

TTC offers 48 miles of railroad track to test rolling stock, track components, signal and safety devices, track structure and vehicle performance. It also has several one-of-a-kind laboratory test facilities used for evaluating vehicle dynamics, structural characteristics and advanced braking systems. TTC already operates as a world-class research and test center offering a wide range of capabilities in railroad and transit research.

For the past 2 years, we have been working to get funding for a facility for an underground rail station and tunnel at TTC. The tunnel will add to the center's capabilities and serve as an invaluable resource as we strive to ensure that our Nation's railroads are safe and secure against possible terror attacks. Recent events have sadly demonstrated the vulnerability of underground mass transit systems. Safety experts have identified a number of technology and training needs to prevent attacks on tunnels and lessen the consequences of such attacks. These needs include detection systems, dispersal control and decontamination techniques.

The distinctive, remote environment of TTC allows such testing and training activities to be carried out at a secure location, without disruption to the flow of passenger and rail traffic in and around urban areas. I applaud Chairman OBERSTAR, Chairwoman BROWN and Mr. SHUSTER for recognizing the important role that such a tunnel will play in rail safety. I believe H.R. 2095 ensures that we remain the world's safest rail system, and I urge my colleagues to support this bill.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. I thank the ranking member for yielding his time. I certainly appreciate the good work he has done with Ranking Member MICA on this important rail safety bill. Of course, Chairwoman BROWN and Chairman OBERSTAR have been exemplary in working in a bipartisan way to bring this product to the House floor today, and I certainly hope all Members will find a way to support this legislation.

Mr. Chairman, I rise today to speak to only one element of the bill that I had particular interest in, and that is with regard to a new reporting requirement for the rails to disclose on an annual basis to the Surface Transportation Board the amount of money spent out of their capital for improvements to rail, track, locomotives and other related maintenance which will give us, I believe for the first time, critical metrics to analyze what they are doing to preserve the safety of our rail system.

Of course, safety is uppermost in our mind today, but our rail system is also the heart of our economy. The ability to move goods and services and people across this great Nation over our rail system is absolutely essential going forward. We must judge based on their actual expenditure whether the rails themselves are engaging in appropriate conduct in spending the necessary funds to make this system safe and sound.

I have great concerns that in periods of record profitability, Wall Street analysts have identified these systems as being very undervalued. In fact, there are indications that some hedge fund managers are acquiring large blocks of railroad stock and the consequential reaction has been by the rails to repurchase their own stock and perhaps divert needed resources from necessary and very important infrastructure improvements.

I commend the committee leadership for the inclusion of this important provision, as I think going forward it will enable this Congress to take actions that are necessary and proper to preserve this important system.

Mr. OBERSTAR. I would like to inquire of the time remaining on both sides.

The CHAIRMAN. The gentleman from Minnesota has 12½ minutes remaining. The gentleman from Pennsylvania has 14½ minutes remaining.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, I rise in strong support of H.R. 2095. I congratulate all my colleagues for this strong bipartisan railroad safety bill, and I associate myself with the remarks of the gentleman who just spoke.

It is of utmost importance to my district because over 160 trains travel through my district daily carrying over 14,000 containers, many containing hazardous material, carrying $400 billion worth of trade, most of it for the eastern part of the United States. It is expected to triple by the year 2020.

We have experienced many derailments in my area. That has caused great distress not only to my families, to the businesses, the damage, the economic impact it has had, the threat to the public safety, and the anxiety caused along that railroad corridor.

This Railroad Safety Improvement Act helps prevent future derailments by improving track safety, improving grade crossing safety, improving whistleblower protections, addressing concerns over railroad fatigue, and ensures enforcement by clarifying the U.S. Attorney General's authority to bring civil action against the railroads, increasing penalties, increasing reporting of enforcement actions, and many other areas that are very, very important.

This bill includes two of my amendments to section 605, creating strict training standards for railroad inspectors, tough training for all rail employees who expressed to us their lack of training curriculum and additional training requirements for railroad inspectors who have expressed that they need that training.

My amendment creates strong training, testing and skills evaluation measures, ensures that the train inspectors are able to address critical safety defects that contribute to derailments and accidents in a timely basis. I couldn't agree more with the gentleman. We need to look at new technology that is going to help us get there. But we also need the support of the railroads.

My second amendment in section 407 authorizes $1.5 million for operation life safety for a total of $6 million. I certainly want to show that we all cooperate in this and look forward to having this vote pass with great success.

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. LATOURETTE), the distinguished former chairman of the Rail Subcommittee and one of America's experts in the rail industry.

Mr. LATOURETTE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. A number of the speakers who will speak on this bill today, when the bill was first introduced I had some difficulty with some of the provisions, but I want to thank Chairman OBERSTAR, Chairwoman BROWN, Ranking Member MICA and Ranking Member SHUSTER for continuing the great hallmark of the Transportation and Infrastructure Committee and working through those issues, be it limbo time, be it Federal preemption, be it a variety of other issues, and reaching a product that was brought to the floor today that I think that most, if not all of us, will be supportive of, as well.

□ 1630

Just a moment about Chairman OBERSTAR. When the majority changed, there's more Democrats on the committee than there are Republicans. They could write their own bill. But that hasn't been the way this committee has ever worked, and that isn't the way Chairman OBERSTAR is running the committee either. He reached out

to our side of the aisle to talk about these issues, and the result is that he has brought to the floor a piece of legislation that will overwhelmingly pass sometime later this evening.

Mr. Chairman, this important legislation will bring industry and government a long way towards the shared goal of improving rail safety. Although the number of train accidents decreased last year by almost 500, it is unclear whether that 1-year progress will continue. We are and we should always be looking for new ways to improve safety, not only for railroad employees, but for the surrounding communities as well.

Despite everyone's best intentions, disasters will strike. As the current Speaker pro tempore is well aware, in January of 2002, a Canadian Pacific train derailed 31 of its 112 cars in Minot, North Dakota. Five tank cars carrying anhydrous ammonia, a liquefied compressed gas, catastrophically ruptured, and a toxic vapor plume covered the derailment site and surrounding area. More than 11,000 people were impacted, and there was one fatality. More than 300 people were injured, including two members of the crew. Damages in that event exceeded $2 million, and more than $8 million has been spent for environmental cleanup efforts.

Mr. Chairman, just last week in Painesville, Ohio, about a mile from my district office, a CSX train derailed 30 of its 112 cars. A car containing ethanol exploded and fire engulfed several cars containing grain and ethanol. It burned for a number of days. More than 1,000 residents were evacuated, schools were disrupted, and roads, highways and businesses closed. Fortunately, in our event there were no injuries, but it was a tremendous disruption in the lives of many people. The six law enforcement agencies and 24 local fire departments that responded put in an untold number of overtime hours. Officials are only now evaluating the environmental fallout as they search for a cause.

To its credit, CSX Rail has stepped up following this incident. They are paying for hotel rooms of displaced persons, assisting in a variety of manners with the recovery and cleanup efforts, and have shown that they are willing to take responsibility when something goes awry. Our local responders and CSX worked together and provided a seamless response in Painesville.

Mr. Chairman, I am also happy to announce that following my conversation last Friday with Tony Ingram, the chief operating officer of CSX, the company has offered to work to cover the costs incurred by our local first responders. I greatly appreciate that and know that this is going to be a huge relief to cash-strapped communities in my district whose budget cannot handle the overtime.

While CSX is doing its best to minimize the damage this derailment has caused, it goes to show that when accidents do happen, this disruption is enormous. We must do everything that we can to prevent these types of incidents from occurring. The bill that Mr. OBERSTAR has brought forward today before the Congress takes a number of steps in the right direction. I urge my colleagues to support the bill.

Mr. OBERSTAR. Mr. Chairman, I yield myself 5 seconds.

Mr. Chairman, I express my great sympathy to the gentleman from Ohio on the tragedy, and for his description of it, and also my appreciation for his kind words about our work on the committee.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), whose district includes the greatest confluence of rail in the whole country.

Mr. LIPINSKI. Mr. Chairman, I thank the chairman of the committee for yielding and for all his tireless efforts on behalf of rail safety.

Mr. Chairman, today I rise in strong support of the Federal Railroad Safety Improvement Act. As the chairman says, I represent part of Chicago, which is the rail hub of the Nation. I understand just how important railroad traffic is, railroads are to this country, both passenger and freight. In all transportation, safety is key.

This bill makes crucial improvements in safety for rail employees, passengers and all Americans who live, work, travel along rail lines. I would like to commend Chairman OBERSTAR, Subcommittee Chairwoman BROWN, Ranking Member SHUSTER, and Ranking Member MICA for their work on this bill.

Mr. Chairman, among the other important improvements that come in this bill, H.R. 2095 works to strengthen the integrity of our Nation's rail system, encourages the implementation of new technologies, such as positive train control systems, known as PTC. I am especially pleased that, at my request, the committee included language in the bill that provides Federal funding to expedite PTC installation. PTC systems can drastically reduce collisions, derailments and other accidents, while at the same time improving efficiency. It's clearly a much-needed advance.

I also want to speak right now in strong support of the Napolitano amendment, which broadly ensures Mexican trains entering the U.S. continue to receive proper brake, mechanical and hazardous material inspections by highly skilled American personnel.

Mr. Chairman, this bill is essential for continued safety of our railways. I urge adoption of the Napolitano amendment and passage of the underlying bill.

Mr. SHUSTER. Mr. Chairman, at this time I have no further speakers, so I will continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, at this time I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the chairman, not only for yielding, but his extraordinarily hard work in preparing this bill, along with my good friend, the gentlewoman from Florida, who together have crafted a bill, working with Mr. MICA and Mr. SHUSTER, so that what we have before us is a classic bipartisan bill and one that is urgently needed.

This is a public transportation bill, and it looks to a part of our economy upon which we are disproportionately dependent. It also happens to be a mode of transportation that is relatively clean. I got to thinking about the importance of this bill, Mr. Chairman, and I could only think about where we have spent much more time, and that is on air travel. Yet, we have limited the time that pilots, and, for that matter, other air personnel can be on duty and certainly in the air.

Rail employees for decades have simply absorbed the burden of extraordinary numbers of hours away from home, on duty. How have we escaped some catastrophic accidents that would linger in our minds? I think it is only because of the courage and the perseverance of rail personnel, who obviously have worked through fatigue and who have simply taken on their shoulders most of the hardships. I don't even want to think about what the cost of family life has been with regards to children, the cost of being away when there has been an emergency or death in the family or someone is lingering. I just don't want to think about that, because when I do, I am reminded about how late this bill is and how urgent it is.

So I want to thank the chairman, and I want to commend the courage of rail workers, and especially I want to do so as a member of the Homeland Security Committee, which is deeply affected as well.

Mr. SHUSTER. Mr. Chairman, I reserve my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I would like to thank Chairman OBERSTAR, Ranking Member MICA, Chairwoman BROWN and Ranking Member SHUSTER for their work on this bill.

My district is located in a densely populated area on Long Island, New York. We have the comfort and convenience of rail transportation to New York City by the Long Island Railroad. The Long Island Railroad moves safely through the Fourth Congressional District with the use of locomotive horns at train crossings.

Although the use of horns at train crossings ensures the safety of the surrounding communities, horn noise also has a substantial impact on the quality of life of individuals living in those communities.

For example, in Cedarhurst, New York, there are five train crossings

within a half mile. Because the crossings are so close together, the result is a continuous horn blast as the train moves through the community. The horn noise can be so loud and last so long that individuals must stop any ongoing conversations for several minutes. This happens most often during rush hour, but continues approximately 50 times throughout the day. Individuals find it difficult to sleep through the horn noise, even with the use of earplugs, and are awakened early in the morning and late in the evening. Also, because my district is so densely populated, the horn noise bounces off many of the buildings nearest the railroad and seems to intensify as it moves through the community.

I support the Federal Railroad Administration and its primary goal of ensuring the safety of railroads and trains across the country and in the Fourth Congressional District of New York. I do not and will not support any measure that will reduce the safety of railroads and trains coming through my community.

With that in mind, I also understand the effect of locomotive noise that does interfere with the quality of life. I have received countless letters and e-mails from my constituents expressing how noise affects their daily lives.

Due to the impact that locomotive horn noise has on the communities in my district, I support the language in the manager's amendment that allows the Secretary to consider the impact of horn noise on the local community and the unique characteristics of the community that it is serving in considering applications for waivers or exemptions.

I want to thank Chairman OBERSTAR for working with me on this issue and allowing me the time to express my support for his amendment and the bill.

Mr. SHUSTER. Mr. Chairman, I continue to reserve my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, let me take this opportunity first of all to rise and indicate that I am here on behalf of the Napolitano amendment. The amendment would prohibit Mexican companies and inspectors from performing mechanical inspections of trains unless they meet specific U.S. standards, including rigorous training of inspectors.

I think that is essential. We have some 10,000 trains that cross the U.S.-Mexican border through my district alone. We had over four derailments in 2004. We think this is an amendment that is important and is critical in order for us to continue to have safety in those trains.

So I want to encourage the passage of the amendment by Congresswoman GRACE NAPOLITANO that will allow an opportunity for those inspectors to be well trained and to make sure that they specify U.S. standards before that occurs.

As I indicated earlier, I represent the longest stretch of the Mexican border of any Member of Congress, and I think that this is an area of significance and importance.

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

Mr. Chairman, through this process, we have had some significant differences, but we were able to work them out and produce a product that has bipartisan support in the committee. For me, it was a great experience working with Chairwoman BROWN, but especially working with Chairman OBERSTAR. At times it was quite daunting to go into negotiations with somebody who not only knows the current issues of the rail history, but knows the vast history of the rail industry. So I made it through the process and learned quite a bit, and I appreciate the chairman and chairwoman for working with me, and also, of course, Mr. MICA for giving me the responsibility on this piece of legislation.

Mr. Chairman, I urge my colleagues to support H.R. 2095, the Federal Rail Safety Improvement Act of 2007.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I again want to express my great appreciation to Ms. BROWN for years of advocacy for rail issues and for her championing of the rail safety matters, and to thank the distinguished gentleman from Pennsylvania, who has devoted a great deal of energy and time and effort to rail from his first day on the committee, asking the committee to hold a hearing in 2001 in his district on rail maintenance yard issues and continuation of rail service. It turned out to be a very enlightening hearing.

He has remained engaged in the issues. As the gentleman said a moment ago, we did not just throw issues on the table; we rather sat around the table after the hearings and discussed in detail repeatedly subject matters, made concessions on each side, adjustments, understanding each other's concerns, and reached not the ideal of each side, but ideal in the best public interest. The result is, I believe, a bill that substantially advances the cause of rail safety.

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I must say in passing that it diminishes the substance of the bill to say that it is, as the previous speaker did, a gift to rail labor. This is a gift to all Americans, to all residents of communities that are home to railroads, to rail makeup yards through which the goods of America move, through which the coal and the grain and the containers move. It is safety for them. It is safety for the workers on the railroads. It is in the best interest of all America. I urge passage of the bill.

Ms. GIFFORDS. Mr. Chairman, I am pleased to vote today in support of H.R. 2095, the Federal Railroad Safety Improvement Act of 2007.

This legislation includes important safety improvements that will positively impact railroad workers and passengers.

H.R. 2095 recognizes that railroad workers have tremendous responsibilities. Americans rely on them to transport commercial goods that are critical to our economy and to keep passengers and the public safe. The bill promotes a safer and healthier work environment and requires railroad companies to devise and implement fatigue management plans.

Additionally, this bill will ensure that railroad employees who handle hazardous waste moving through our communities are properly rested and alert.

I am pleased that concerns about the safety of locomotive engineers are reflected in H.R. 2095 which calls for a formal study of locomotive cab design. This study will take into account the health effects of locomotive seats, diesel-fume inhalation for lead and trailing locomotives, and other cab working conditions.

H.R 2095 also includes protections for whistle-blowers who report unsafe conditions and personal injuries.

I thank Chairman OBERSTAR for bringing this legislation forward and ask my colleagues to join rite in voting for its passage.

Mr. OBERSTAR. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2095

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Railroad Safety Improvement Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—FEDERAL RAILROAD SAFETY ADMINISTRATION

Sec. 101. Establishment of Federal Railroad Safety Administration.
Sec. 102. Railroad safety strategy.
Sec. 103. Reports.
Sec. 104. Rulemaking process.
Sec. 105. Authorization of appropriations.

TITLE II—EMPLOYEE FATIGUE

Sec. 201. Hours of service reform.
Sec. 202. Employee sleeping quarters.
Sec. 203. Fatigue management plans.
Sec. 204. Regulatory authority.
Sec. 205. Conforming amendment.

TITLE III—PROTECTION OF EMPLOYEES AND WITNESSES

Sec. 301. Employee protections.

TITLE IV—GRADE CROSSINGS

Sec. 401. Toll-free number to report grade crossing problems.
Sec. 402. Roadway user sight distance at highway-rail grade crossings.
Sec. 403. Grade crossing signal violations.
Sec. 404. National crossing inventory.
Sec. 405. Accident and incident reporting.
Sec. 406. Authority to buy promotional items to improve railroad crossing safety and prevent railroad trespass.

Sec. 407. Operation Lifesaver.
Sec. 408. State action plan.
Sec. 409. Fostering introduction of new technology to improve safety at highway-rail grade crossings.

TITLE V—ENFORCEMENT

Sec. 501. Enforcement.
Sec. 502. Civil penalties.
Sec. 503. Criminal penalties.
Sec. 504. Expansion of emergency order authority.
Sec. 505. Enforcement transparency.
Sec. 506. Interfering with or hampering safety investigations.
Sec. 507. Railroad radio monitoring authority.
Sec. 508. Inspector staffing.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Positive train control systems.
Sec. 602. Warning in nonsignaled territory.
Sec. 603. Track safety.
Sec. 604. Certification of conductors.
Sec. 605. Minimum training standards.
Sec. 606. Prompt medical attention.
Sec. 607. Emergency escape breathing apparatus.
Sec. 608. Locomotive cab environment.
Sec. 609. Tunnel information.
Sec. 610. Railroad police.
Sec. 611. Museum locomotive study.
Sec. 612. Certification of carmen.
Sec. 613. Train control systems deployment grants.
Sec. 614. Infrastructure safety investment reports.
Sec. 615. Emergency grade crossing safety improvements.
Sec. 616. Clarifications regarding State law causes of action.

TITLE VII—RAIL PASSENGER DISASTER FAMILY ASSISTANCE

Sec. 701. Short title.
Sec. 702. Assistance by National Transportation Safety Board to families of passengers involved in rail passenger accidents.
Sec. 703. Rail passenger carrier plans to address needs of families of passengers involved in rail passenger accidents.
Sec. 704. Establishment of task force.

SEC. 2. DEFINITIONS.

For purposes of this Act, the terms ''railroad'' and ''railroad carrier'' have the meaning given those terms in section 20102 of title 49, United States Code.

TITLE I—FEDERAL RAILROAD SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FEDERAL RAILROAD SAFETY ADMINISTRATION.

(a) AMENDMENT.—Section 103 of title 49, United States Code, is amended to read as follows:

''§ 103. Federal Railroad Safety Administration

''(a) IN GENERAL.—The Federal Railroad Safety Administration (in this section referred to as the 'Administration') shall be an administration in the Department of Transportation. To carry out all railroad safety laws of the United States, the Administration shall be divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation shall be responsible for enforcing those laws and for ensuring that those laws are uniformly administered and enforced among the safety offices.

''(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in railroad transportation.

''(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in railroad safety, hazardous materials safety, or other transportation safety. The Administrator shall report directly to the Secretary of Transportation.

''(d) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator who shall be appointed by the Secretary. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

''(e) CHIEF SAFETY OFFICER.—The Administration shall have an Associate Administrator for Railroad Safety appointed in the competitive service by the Secretary. The Associate Administrator shall be the Chief Safety Officer of the Administration. The Associate Administrator shall carry out the duties and powers prescribed by the Administrator.

''(f) DUTIES AND POWERS OF THE ADMINISTRATOR.—The Administrator shall carry out—

''(1) duties and powers related to railroad safety vested in the Secretary by section 20134(c) and chapters 203 through 211 of this title, and by chapter 213 of this title for carrying out chapters 203 through 211; and

''(2) other duties and powers prescribed by the Secretary.

''(g) LIMITATION.—A duty or power specified in subsection (f)(1) may be transferred to another part of the Department of Transportation or another Federal Government entity only when specifically provided by law. A decision of the Administrator in carrying out the duties or powers of the Administration and involving notice and hearing required by law is administratively final.

''(h) AUTHORITIES.—Subject to the provisions of subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Secretary of Transportation may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and make such payments, by way of advance or reimbursement, as the Secretary may determine to be necessary or appropriate to carry out functions at the Administration. The authority of the Secretary granted by this subsection shall be carried out by the Administrator. Notwithstanding any other provision of this chapter, no authority to enter into contracts or to make payments under this subsection shall be effective, except as provided for in appropriations Acts.''.

(b) REFERENCES AND CONFORMING AMENDMENTS.—(1) All references in Federal law to the Federal Railroad Administration shall be deemed to be references to the Federal Railroad Safety Administration.

(2) The item relating to section 103 in the table of sections of chapter 1 of title 49, United States Code, is amended to read as follows:

''103. Federal Railroad Safety Administration.''.

SEC. 102. RAILROAD SAFETY STRATEGY.

(a) SAFETY GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary of Transportation shall develop a long-term strategy for improving railroad safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

(1) Reducing the number and rates of accidents, injuries, and fatalities involving railroads.

(2) Improving the consistency and effectiveness of enforcement and compliance programs.

(3) Identifying and targeting enforcement at, and safety improvements to, high-risk highway-rail grade crossings.

(4) Improving research efforts to enhance and promote railroad safety and performance.

(b) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each activity. Such estimates shall also include the staff skills and training needed for timely and effective accomplishment of each goal.

(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—The Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the strategy and annual plan at the same time as the President's budget submission.

(d) ACHIEVEMENT OF GOALS.—

(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Secretary of Transportation and the Administrator of the Federal Railroad Safety Administration shall assess the progress of the Administration toward achieving the strategic goals described in subsection (a). The Secretary and the Administrator shall convey their assessment to the employees of the Federal Railroad Safety Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

(2) REPORT TO CONGRESS.—The Secretary shall transmit a report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the performance of the Federal Railroad Safety Administration relative to the goals of the railroad safety strategy and annual plans under subsection (a).

SEC. 103. REPORTS.

(a) REPORTS BY THE INSPECTOR GENERAL.—Not later than 30 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall submit to the Secretary of Transportation and the Administrator of the Federal Railroad Safety Administration a report containing the following:

(1) A list of each statutory mandate regarding railroad safety that has not been implemented.

(2) A list of each open safety recommendation made by the National Transportation Safety Board or the Inspector General regarding railroad safety.

(b) REPORTS BY THE SECRETARY.—

(1) STATUTORY MANDATES.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter until each of the mandates referred to in subsection (a)(1) has been implemented, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the specific actions taken to implement such mandates.

(2) NTSB AND INSPECTOR GENERAL RECOMMENDATIONS.—Not later than January 1st of each year, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing each recommendation referred to in subsection (a)(2), a copy of the Department of Transportation response to each such recommendation, and a progress report on implementing each such recommendation.

SEC. 104. RULEMAKING PROCESS.

(a) AMENDMENT.—Subchapter I of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following new section:

''§ 20116. Rulemaking process

''No rule or order issued by the Secretary under this part shall be effective if it incorporates by reference a code, rule, standard, requirement, or practice issued by an association or other entity that is not an agency of the Federal Government, unless that reference is to a particular code, rule, standard, requirement, or practice adopted before the date on which the rule is issued by the Secretary, and unless the date on which the code, rule, standard, requirement, or practice was adopted is specifically cited in the rule.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter I of chapter 201 of title 49, United States Code, is amended by adding after the item relating to section 20115 the following new item:

''20116. Rulemaking process.''.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 20117(a) of title 49, United States Code, is amended to read as follows:

''(a) IN GENERAL.—(1) There are authorized to be appropriated to the Secretary of Transportation to carry out this part and to carry out responsibilities under chapter 51 as delegated or authorized by the Secretary—

''(A) $230,000,000 for fiscal year 2008;

''(B) $260,000,000 for fiscal year 2009;

''(C) $295,000,000 for fiscal year 2010; and

''(D) $335,000,000 for fiscal year 2011.

''(2) With amounts appropriated pursuant to paragraph (1), the Secretary shall purchase 6 Gage Restraint Measurement System vehicles and 5 track geometry vehicles to enable the deployment of 1 Gage Restraint Measurement System vehicle and 1 track geometry vehicle in each region.

''(3) There are authorized to be appropriated to the Secretary $18,000,000 for the period encompassing fiscal years 2008 through 2011 to design, develop, and construct the Facility for Underground Rail Station and Tunnel at the Transportation Technology Center in Pueblo, Colorado. The facility shall be used to test and evaluate the vulnerabilities of above-ground and underground rail tunnels to prevent accidents and incidents in such tunnels, to mitigate and remediate the consequences of any such accidents or incidents, and to provide a realistic scenario for training emergency responders.

''(4) Such sums as may be necessary from the amount appropriated pursuant to paragraph (1) for each of the fiscal years 2008 through 2011 shall be made available to the Secretary for personnel in regional offices and in Washington, D.C., whose duties primarily involve rail security.''.

TITLE II—EMPLOYEE FATIGUE

SEC. 201. HOURS OF SERVICE REFORM.

(a) DEFINITIONS.—Section 21101(4) of title 49, United States Code, is amended by striking ''employed by a railroad carrier''.

(b) LIMITATION ON DUTY HOURS OF SIGNAL EMPLOYEES.—Section 21104 of title 49, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL.—Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow a signal employee, and a railroad contractor and its officers and agents may not require or allow a signal employee, to remain or go on duty—

''(1) unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours;

''(2) for a period in excess of 12 consecutive hours; or

''(3) unless that employee has had at least one period of at least 24 consecutive hours off duty in the past 7 consecutive days.

The Secretary may waive paragraph (3) if a collective bargaining agreement provides a different arrangement and such arrangement provides an equivalent level of safety.'';

(2) in subsection (b)(3) by striking '', except that up to one hour of that time spent returning from the final trouble call of a period of continuous or broken service is time off duty'';

(3) in subsection (c)—

(A) by inserting ''for not more than 3 days during a period of 7 consecutive days'' after ''24 consecutive hours''; and

(B) by adding at the end the following: ''A signal employee may not be allowed to remain or go on duty under the emergency authority provided under this subsection to conduct routine repairs, routine maintenance, or routine inspection of signal systems.'';

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

''(d) COMMUNICATION DURING TIME OFF DUTY.—During a signal employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a), a railroad carrier, and its managers, supervisors, officers, and agents, shall not communicate with the signal employee by telephone, by pager, or in any other manner that could disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation posing potential risks to the employee's safety or health.

''(e) EXCLUSIVITY.—The hours of service, duty hours, and rest periods of signal employees shall be governed exclusively by this chapter. Signal employees operating motor vehicles shall not be subject to any hours of service rules, duty hours, or rest period rules promulgated by any Federal authority, including the Federal Motor Carrier Safety Administration, other than the Federal Railroad Safety Administration.''.

(c) LIMITATION ON DUTY HOURS OF TRAIN EMPLOYEES.—Section 21103 of title 49, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL.—Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow a train employee to remain or go on duty—

''(1) unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours;

''(2) for a period in excess of 12 consecutive hours; or

''(3) unless that employee has had at least one period of at least 24 consecutive hours off duty in the past 7 consecutive days.

The Secretary may waive paragraph (3) if a collective bargaining agreement provides a different arrangement and such arrangement provides an equivalent level of safety.'';

(2) by amending subsection (b)(4) to read as follows:

''(4)(A)(i) Except as provided in clauses (ii) and (iii), time spent in deadhead transportation to a duty assignment, time spent waiting for deadhead transportation, and time spent in deadhead transportation from a duty assignment to a place of final release is time on duty.

''(ii) Time spent waiting for deadhead transportation and time spent in deadhead transportation from a duty assignment to a place of final release is neither time on duty nor time off duty in situations involving delays in the operations of the railroad carrier, when the delays were caused by any of the following:

''(I) A casualty.

''(II) An accident.

''(III) A track obstruction.

''(IV) An act of God.

''(V) A weather event causing a delay.

''(VI) A snowstorm.

''(VII) A landslide.

''(VIII) A track or bridge washout.

''(IX) A derailment.

''(X) A major equipment failure which prevents a train from advancing.

''(XI) Other delay from a cause unknown or unforeseeable to a railroad carrier and its officers and agents in charge of the employee when the employee left a designated terminal.

''(iii) In addition to any time qualifying as neither on duty nor off duty under clause (ii), at the election of the railroad carrier, time spent waiting for deadhead transportation and time spent in deadhead transportation to the place of final release may be treated as neither time on duty nor time off duty, subject to the following limitations:

''(I) Not more than 40 hours a month may be elected by the railroad carrier, for an employee, during the period from the date of enactment of the Federal Railroad Safety Improvement Act of 2007 to one year after such date of enactment.

''(II) Not more than 30 hours a month may be elected by the railroad carrier, for an employee, during the period beginning one year after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 and ending two years after such date of enactment.

''(III) Not more than 10 hours a month may be elected by the railroad carrier, for an employee, during the period beginning two years after the date of enactment of the Federal Railroad Safety Improvement Act of 2007.

''(B) Each railroad carrier shall report to the Secretary of Transportation, in accordance with procedures contained in 49 CFR 228.19, each instance within 30 days after the calendar month in which the instance occurs that a member of a train or engine crew or other employee engaged in or connected with the movement of any train, including a hostler, exceeds 12 consecutive hours, including—

''(i) time on duty; and

''(ii) time spent waiting for deadhead transportation and the time spent in deadhead transportation from a duty assignment to the place of final release, that is not time on duty.

''(C) If—

''(i) the time spent waiting for deadhead transportation, and the time spent in deadhead transportation from a duty assignment to the place of final release, that is not time on duty; plus

''(ii) the time on duty,

exceeds 12 consecutive hours, the railroad carrier and its officers and agents shall provide the train employee with additional time off duty equal to the number of hours that such sum exceeds 12 hours.''; and

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

''(d) COMMUNICATION DURING TIME OFF DUTY.—During a train employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a), or during an interim period of at least 4 consecutive hours available for rest under subsection (b)(7), a railroad carrier, and its managers, supervisors, officers, and agents, shall not communicate with the train employee by telephone, by pager, or in any other manner that could disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation posing potential risks to the employee's safety or health.''.

SEC. 202. EMPLOYEE SLEEPING QUARTERS.

Section 21106 of title 49, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''A railroad carrier''; and

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

''(b) CAMP CARS.—Effective 12 months after the date of enactment of this subsection, a railroad carrier and its officers and agents may not provide sleeping quarters through the use of camp cars, as defined in Appendix C to part 228 of title 49 of the Code of Federal Regulations, for employees and any individuals employed to maintain the right of way of a railroad carrier.''.

SEC. 203. FATIGUE MANAGEMENT PLANS.

(a) AMENDMENT.—Chapter 211 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 21109. Fatigue management plans

''(a) PLAN SUBMISSION.—

''(1) REQUIREMENT.—Each railroad carrier shall submit to the Secretary of Transportation, and update at least once every 2 years, a fatigue management plan that is designed to reduce the fatigue experienced by railroad employees and to reduce the likelihood of accidents and injuries caused by fatigue. The plan shall address the safety effects of fatigue on all employees performing safety sensitive functions, including employees not covered by this chapter. The plan shall be submitted not later than 1 year after the date of the enactment of this section, or not later than 45 days prior to commencing operations, whichever is later.

''(2) CONTENTS OF PLAN.—The fatigue management plan shall—

''(A) identify and prioritize all situations that pose a risk for safety that may be affected by fatigue;

''(B) include the railroad carrier's—

''(i) rationale for including and not including each element described in subsection (b)(2) in the plan;

''(ii) analysis supporting each element included in the plan; and

''(iii) explanations for how each element in the plan will reduce the risk associated with fatigue;

''(C) describe how every condition on the railroad carrier's property, and every type of employee, that is likely to be affected by fatigue is addressed in the plan; and

''(D) include the name, title, address, and telephone number of the primary person to be contacted with regard to review of the plan.

''(3) APPROVAL.—(A) The Secretary shall review each proposed plan and approve or disapprove such plan based on whether the requirements of this section are sufficiently and appropriately addressed and the proposals are adequately justified in the plan.

''(B) If the proposed plan is not approved, the Secretary shall notify the affected railroad carrier as to the specific points in which the proposed plan is deficient, and the railroad carrier shall correct all deficiencies within 30 days following receipt of written notice from the Secretary. If a railroad carrier does not submit a plan (or, when directed by the Secretary, an amended plan), or if a railroad carrier's amended plan is not approved by the Secretary, the Secretary shall prescribe a fatigue management plan for the railroad carrier.

''(4) EMPLOYEE PARTICIPATION.—(A) Each affected railroad carrier shall consult with, and employ good faith and use its best efforts to reach agreement by consensus with, all of its directly affected employee groups on the contents of the fatigue management plan, and, except as provided in subparagraph (C), shall jointly with such groups submit the plan to the Secretary.

''(B) In the event that labor organizations represent classes or crafts of directly affected employees of the railroad carrier, the railroad carrier shall consult with these organizations in drafting the plan. The Secretary may provide technical assistance and guidance to such parties in the drafting of the plan.

''(C) If the railroad carrier and its directly affected employees (including any labor organization representing a class or craft of directly affected employees of the railroad carrier) cannot reach consensus on the proposed contents of the plan, then—

''(i) the railroad carrier shall file the plan with the Secretary; and

''(ii) directly affected employees and labor organizations representing a class or craft of directly affected employees may, at their option, file a statement with the Secretary explaining their views on the plan on which consensus was not reached.

''(b) ELEMENTS OF THE FATIGUE MANAGEMENT PLAN.—

''(1) CONSIDERATION OF VARYING CIRCUMSTANCES.—Each plan filed with the Secretary under the procedures of subsection (a) shall take into account the varying circumstances of operations by the railroad carrier on different parts of its system, and shall prescribe appropriate fatigue countermeasures to address those varying circumstances.

''(2) ISSUES AFFECTING ALL EMPLOYEES PERFORMING SAFETY SENSITIVE FUNCTIONS.—The railroad carrier shall consider the need to include in its fatigue management plan elements addressing each of the following issues:

''(A) Education and training on the physiological and human factors that affect fatigue, as well as strategies to counter fatigue, based on current and evolving scientific and medical research and literature.

''(B) Opportunities for identification, diagnosis, and treatment of any medical condition that may affect alertness or fatigue, including sleep disorders.

''(C) Effects on employee fatigue of emergency response involving both short-term emergency situations, including derailments, and long-term emergency situations, including natural disasters.

''(D) Scheduling practices involving train lineups and calling times, including work/rest cycles for shift workers and on-call employees that permit employees to compensate for cumulative sleep loss by guaranteeing a minimum number of consecutive days off (exclusive of time off due to illness or injury).

''(E) Minimizing the incidence of fatigue that occurs as a result of working at times when the natural circadian rhythm increases fatigue.

''(F) Alertness strategies, such as policies on napping, to address acute sleepiness and fatigue while an employee is on duty.

''(G) Opportunities to obtain restful sleep at lodging facilities, including sleeping quarters provided by the railroad carrier.

''(H) In connection with the scheduling of a duty call, increasing the number of consecutive hours of rest off duty, during which an employee receives no communication from the employing railroad carrier or its managers, supervisors, officers, or agents.

''(I) Avoiding abrupt changes in rest cycles for employees returning to duty after an extended absence due to circumstances such as illness or injury.

''(J) Additional elements as the Secretary considers appropriate.

''(c) COMPLIANCE AND ENFORCEMENT.—

''(1) COMPLIANCE REQUIREMENT.—Effective upon approval or prescription of a fatigue management plan, compliance with that fatigue management plan becomes mandatory and enforceable by the Secretary.

''(2) EFFECTIVE DATE.—A fatigue management plan may include effective dates later than the date of approval of the plan, and may include different effective dates for different parts of the plan.

''(3) AUDITS.—To enforce this section, the Secretary may conduct inspections and periodic audits of a railroad carrier's compliance with its fatigue management plan.

''(d) DEFINITION.—For purposes of this section the term 'directly affected employees' means employees, including employees of an independent contractor or subcontractor, to whose hours of service the terms of a fatigue management plan specifically apply.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 211 of title 49, United States Code, is amended by adding at the end the following new item:

''21109. Fatigue management plans.''.

SEC. 204. REGULATORY AUTHORITY.

(a) AMENDMENT.—Chapter 211 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 21110. Regulatory authority

''The Secretary of Transportation may by regulation—

''(1) reduce the maximum hours an employee may be required or allowed to go or remain on duty to a level less than the level established under this chapter, based on scientific and medical research; or

''(2) increase the minimum hours an employee may be required or allowed to rest to a level greater than the level established under this chapter, based on scientific and medical research.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 211 of title 49, United States Code, is amended by adding at the end the following new item:

''21110. Regulatory authority.''.

SEC. 205. CONFORMING AMENDMENT.

Section 21303(c) of title 49, United States Code, is amended by striking ''officers and agents'' and inserting ''managers, supervisors, officers, and agents''.

TITLE III—PROTECTION OF EMPLOYEES AND WITNESSES

SEC. 301. EMPLOYEE PROTECTIONS.

Section 20109 of title 49, United States Code, is amended to read as follows:

''§ 20109. Employee protections

''(a) PROTECTED ACTIONS.—A railroad carrier engaged in interstate or foreign commerce, and an officer or employee of such a railroad carrier, shall not by threat, intimidation, or otherwise attempt to prevent an employee from, or discharge, discipline, or in any way discriminate against an employee for—

''(1) filing a complaint or bringing or causing to be brought a proceeding related to the enforcement of this part or, as applicable to railroad safety, chapter 51 or 57 of this title;

''(2) testifying in a proceeding described in paragraph (1);

''(3) notifying, or attempting to notify, the railroad carrier or the Secretary of Transportation of a work-related personal injury or work-related illness of an employee;

''(4) cooperating with a safety investigation by the Secretary of Transportation or the National Transportation Safety Board;

''(5) furnishing information to the Secretary of Transportation, the National Transportation Safety Board, or any other public official as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with railroad transportation; or

''(6) accurately reporting hours of duty pursuant to chapter 211.

''(b) HAZARDOUS CONDITIONS.—(1) A railroad carrier engaged in interstate or foreign commerce, and an officer or employee of such a railroad carrier, shall not by threat, intimidation, or otherwise attempt to prevent an employee from, or discharge, discipline, or in any way discriminate against an employee for—

''(A) reporting a hazardous condition;

''(B) refusing to work when confronted by a hazardous condition related to the performance of the employee's duties, if the conditions described in paragraph (2) exist; or

''(C) refusing to authorize the use of any safety-related equipment, track, or structures, if the employee is responsible for the inspection or repair of the equipment, track, or structures, when the employee believes that the equipment, track, or structures are in a hazardous condition, if the conditions described in paragraph (2) exist.

''(2) A refusal is protected under paragraph (1)(B) and (C) if—

''(A) the refusal is made in good faith and no reasonable alternative to the refusal is available to the employee;

''(B) the employee reasonably concludes that—

''(i) the hazardous condition presents an imminent danger of death or serious injury; and

''(ii) the urgency of the situation does not allow sufficient time to eliminate the danger without such refusal; and

''(C) the employee, where possible, has notified the carrier of the existence of the hazardous condition and the intention not to perform further work, or not to authorize the use of the hazardous equipment, track, or structures, unless the condition is corrected immediately or the equipment, track, or structures are repaired properly or replaced.

''(3) This subsection does not apply to security personnel employed by a railroad carrier to protect individuals and property transported by railroad.

''(c) ENFORCEMENT ACTION.—

''(1) IN GENERAL.—An employee who alleges discharge or other discrimination by any person

in violation of subsection (a) may seek relief in accordance with the provisions of this section, with any petition or other request for relief under this section to be initiated by filing a complaint with the Secretary of Labor.

''(2) PROCEDURE.—

''(A) IN GENERAL.—An action under this section shall be governed under the rules and procedures set forth in section 42121(b).

''(B) EXCEPTION.—Notification made under section 42121(b)(1) shall be made to the person named in the complaint and to the person's employer.

''(C) BURDENS OF PROOF.—An action brought under this section shall be governed by the legal burdens of proof set forth in section 42121(b).

''(D) STATUTE OF LIMITATIONS.—An action under this section shall be commenced not later than 1 year after the date on which the violation occurs.

''(3) DE NOVO REVIEW.—If the Secretary of Labor has not issued a final decision within 180 days after the filing of the complaint (or, in the event that a final order or decision is issued by the Secretary of Labor, whether within the 180-day period or thereafter, then, not later than 90 days after such an order or decision is issued), the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

''(d) REMEDIES.—

''(1) IN GENERAL.—An employee prevailing in any action under this section shall be entitled to all relief necessary to make the covered individual whole.

''(2) DAMAGES.—Relief in an action under this section shall include—

''(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

''(B) the amount of any back pay, with interest; and

''(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

''(3) POSSIBLE RELIEF.—Relief may also include punitive damages in an amount not to exceed 10 times the amount of any compensatory damages awarded under this section.

''(e) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—It shall be unlawful for any railroad carrier to commit an act prohibited by subsection (a). Any person who willfully violates this section by terminating or retaliating against any such covered individual who makes a claim under this section shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

''(2) REPORTING REQUIREMENT.—

''(A) IN GENERAL.—The Attorney General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report on the enforcement of paragraph (1).

''(B) CONTENTS.—Each such report shall—

''(i) identify each case in which formal charges under paragraph (1) were brought;

''(ii) describe the status or disposition of each such case; and

''(iii) in any actions under subsection (c)(1) in which the employee was the prevailing party or the substantially prevailing party, indicate whether or not any formal charges under paragraph (1) of this subsection have been brought and, if not, the reasons therefor.

''(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

''(g) RIGHTS RETAINED BY COVERED INDIVIDUAL.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.''.

TITLE IV—GRADE CROSSINGS

SEC. 401. TOLL-FREE NUMBER TO REPORT GRADE CROSSING PROBLEMS.

Section 20152 of title 49, United States Code, is amended to read as follows:

''§ 20152. Emergency notification of grade crossing problems

''Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall require each railroad carrier to—

''(1) establish and maintain a toll-free telephone service, for rights-of-way over which it dispatches trains, to directly receive calls reporting—

''(A) malfunctions of signals, crossing gates, and other devices to promote safety at the grade crossing of railroad tracks on those rights-of-way and public or private roads; and

''(B) disabled vehicles blocking railroad tracks at such grade crossings;

''(2) upon receiving a report of a malfunction or disabled vehicle pursuant to paragraph (1), immediately contact trains operating near the grade crossing to warn them of the malfunction or disabled vehicle;

''(3) upon receiving a report of a malfunction or disabled vehicle pursuant to paragraph (1), and after contacting trains pursuant to paragraph (2), contact, as necessary, appropriate public safety officials having jurisdiction over the grade crossing to provide them with the information necessary for them to direct traffic, assist in the removal of the disabled vehicle, or carry out other activities appropriate to responding to the hazardous circumstance; and

''(4) ensure the placement at each grade crossing on rights-of-way that it owns of appropriately located signs, on which shall appear, at a minimum—

''(A) a toll-free telephone number to be used for placing calls described in paragraph (1) to the railroad carrier dispatching trains on that right-of-way;

''(B) an explanation of the purpose of that toll-free number as described in paragraph (1); and

''(C) the grade crossing number assigned for that crossing by the National Highway-Rail Crossing Inventory established by the Department of Transportation.

The Secretary of Transportation shall implement this section through appropriate regulations.''.

SEC. 402. ROADWAY USER SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 20156. Roadway user sight distance at highway-rail grade crossings

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations that require each railroad carrier to remove from its rights-of-way at all public highway-rail grade crossings, and at all private highway-rail grade crossings open to unrestricted public access (as declared in writing by the holder of the crossing right), grass, brush, shrubbery, trees, and other vegetation which may obstruct the view of a pedestrian or a vehicle operator for a reasonable distance in either direction of the train's approach, and to maintain its rights-of-way at all such crossings free of such vegetation. In prescribing the regulations, the Secretary shall take into consideration to the extent practicable—

''(1) the type of warning device or warning devices installed at the crossing;

''(2) factors affecting the timeliness and effectiveness of roadway user decisionmaking, including the maximum allowable roadway speed, maximum authorized train speed, angle of intersection, and topography;

''(3) the presence or absence of other sight distance obstructions off the railroad right-of-way; and

''(4) any other factors affecting safety at such crossings.

''(b) PROTECTED VEGETATION.—In promulgating regulations pursuant to this section, the Secretary may make allowance for preservation of trees and other ornamental or protective growth where State or local law or policy would otherwise protect the vegetation from removal and where the roadway authority or private crossing holder is notified of the sight distance obstruction and, within a reasonable period specified by the regulation, takes appropriate temporary and permanent action to abate the hazard to roadway users (such as by closing the crossing, posting supplementary signage, installing active warning devices, lowering roadway speed, or installing traffic calming devices).

''(c) NO PREEMPTION.—Notwithstanding section 20106, subsections (a) and (b) of this section do not prohibit a State from continuing in force, or from enacting, a law, regulation, or order requiring the removal of obstructive vegetation from a railroad right-of-way for safety reasons that is more stringent than the requirements of the regulations prescribed pursuant to this section.

''(d) MODEL LEGISLATION.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary, after consultation with the Federal Railroad Safety Administration, the Federal Highway Administration, and States, shall develop and make available to States model legislation providing for improving safety by addressing sight obstructions at highway-rail grade crossings that are equipped solely with passive warnings, such as permanent structures, temporary structures, and standing railroad equipment, as recommended by the Inspector General of the Department of Transportation in Report No. MH–2007–044.''.

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter II of chapter 201 is amended by inserting after the item relating to section 20155 the following new item:

''20156. Roadway user sight distance at highway-rail grade crossings.''.

SEC. 403. GRADE CROSSING SIGNAL VIOLATIONS.

(a) AMENDMENTS.—Section 20151 of title 49, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 20151. Railroad trespassing, vandalism, and signal violation prevention strategy'';

(2) in subsection (a)—

(A) by striking ''and vandalism affecting railroad safety'' and inserting in lieu thereof '', vandalism affecting railroad safety, and violations of grade crossing signals'';

(B) by inserting '', concerning trespassing and vandalism,'' after ''such evaluation and review''; and

(C) by inserting ''The second such evaluation and review, concerning violations of grade crossing signals, shall be completed before April 1, 2008.'' after ''November 2, 1994.'';

(3) in the subsection heading of subsection (b), by inserting ''FOR TRESPASSING AND VANDALISM PREVENTION'' after ''OUTREACH PROGRAM'';

(4) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''MODEL LEGISLATION.—''; and

(C) by adding at the end the following new paragraph:

''(2) Within 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary, after consultation with State and local governments, railroad carriers, and rail labor organizations, shall develop and make available to State and local governments model State legislation providing for civil or criminal penalties, or both, for violations of grade crossing signals.''; and

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

''(d) DEFINITION.—For purposes of this section, the term 'violation of grade crossing signals' includes any action by a motorist, unless directed by an authorized safety officer—

''(1) to drive around a grade crossing gate in a position intended to block passage over railroad tracks;

''(2) to drive through a flashing grade crossing signal;

''(3) to drive through a grade crossing with passive warning signs without ensuring that the grade crossing could be safely crossed before any train arrived; and

''(4) in the vicinity of a grade crossing, that creates a hazard of an accident involving injury or property damage at the grade crossing.''.

(b) CONFORMING AMENDMENT.—The item relating to section 20151 in the table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended to read as follows:

''20151. Railroad trespassing, vandalism, and signal violation prevention strategy.''.

SEC. 404. NATIONAL CROSSING INVENTORY.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20157. National crossing inventory

''(a) INITIAL REPORTING OF INFORMATION ABOUT PREVIOUSLY UNREPORTED CROSSINGS.—Not later than 1 year after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 or 6 months after a new crossing becomes operational, whichever occurs later, each railroad carrier shall—

''(1) report to the Secretary of Transportation current information, including information about warning devices and signage, as specified by the Secretary, concerning each previously unreported crossing through which it operates; or

''(2) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.

''(b) UPDATING OF CROSSING INFORMATION.—(1) On a periodic basis beginning not later than 3 years after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 and on or before September 30 of every third year thereafter, or as otherwise specified by the Secretary, each railroad carrier shall—

''(A) report to the Secretary current information, including information about warning devices and signage, as specified by the Secretary, concerning each crossing through which it operates; or

''(B) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.

''(2) A railroad carrier that sells a crossing or any part of a crossing on or after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 shall, not later than the date that is 18 months after the date of enactment of that Act or 3 months after the sale, whichever occurs later, or as otherwise specified by the Secretary, report to the Secretary current information, as specified by the Secretary, concerning the change in ownership of the crossing or part of the crossing.

''(c) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this section. The Secretary may enforce each provision of the Department of Transportation's statement of the national highway-rail crossing inventory policy, procedures, and instruction for States and railroads that is in effect on the date of enactment of the Federal Railroad Safety Improvement Act of 2007, until such provision is superseded by a regulation issued under this section.

''(d) DEFINITIONS.—In this section:

''(1) CROSSING.—The term 'crossing' means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks either at grade or grade-separated, where—

''(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

''(B) a pathway dedicated for the use of non-vehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks either at grade or grade-separated.

''(2) STATE.—The term 'State' means a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.''.

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter II of chapter 201 is amended by adding at the end the following new item:

''20157. National crossing inventory.''.

(c) REPORTING AND UPDATING.—Section 130 of title 23, United States Code, is amended by adding at the end the following:

''(l) NATIONAL CROSSING INVENTORY.—

''(1) INITIAL REPORTING OF CROSSING INFORMATION.—Not later than 1 year after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 or within 6 months of a new crossing becoming operational, whichever occurs later, each State shall report to the Secretary of Transportation current information, including information about warning devices and signage, as specified by the Secretary, concerning each previously unreported crossing located within its borders.

''(2) PERIODIC UPDATING OF CROSSING INFORMATION.—On a periodic basis beginning not later than 3 years after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 and on or before September 30 of every third year thereafter, or as otherwise specified by the Secretary, each State shall report to the Secretary current information, including information about warning devices and signage, as specified by the Secretary, concerning each crossing located within its borders.

''(3) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this subsection. The Secretary may enforce each provision of the Department of Transportation's statement of the national highway-rail crossing inventory policy, procedures, and instructions for States and railroads that is in effect on the date of enactment of the Federal Railroad Safety Improvement Act of 2007, until such provision is superseded by a regulation issued under this subsection.

''(4) DEFINITIONS.—In this subsection, the terms 'crossing' and 'State' have the meaning given those terms by section 20157(d)(1) and (2), respectively, of title 49.''.

(d) CIVIL PENALTIES.—(1) Section 21301(a)(1) of title 49, United States Code, is amended—

(A) by inserting ''with section 20157 or'' after ''comply'' in the first sentence; and

(B) by inserting ''section 20157 of this title or'' after ''violating'' in the second sentence.

(2) Section 21301(a)(2) of title 49, United States Code, is amended by inserting ''The Secretary shall impose a civil penalty for a violation of section 20157 of this title.'' after the first sentence.

SEC. 405. ACCIDENT AND INCIDENT REPORTING.

The Federal Railroad Safety Administration shall conduct an audit of each Class I railroad at least once every 2 years and conduct an audit of each non-Class I railroad at least once every 5 years to ensure that all grade crossing collisions and fatalities are reported to the national accident database.

SEC. 406. AUTHORITY TO BUY PROMOTIONAL ITEMS TO IMPROVE RAILROAD CROSSING SAFETY AND PREVENT RAILROAD TRESPASS.

Section 20134(a) of title 49, United States Code, is amended by adding at the end the following: ''The Secretary may purchase promotional items of nominal value and distribute them to the public without charge as part of an educational or awareness program to accomplish the purposes of this section and of any other sections of this title related to improving the safety of highway-rail crossings and to prevent trespass on railroad rights of way, and the Secretary shall prescribe guidelines for the administration of this authority.''.

SEC. 407. OPERATION LIFESAVER.

(a) GRANT.—The Federal Railroad Safety Administration shall make a grant or grants to Operation Lifesaver to carry out a public information and education program to help prevent and reduce pedestrian, bicycle, motor vehicle, and other incidents, injuries, and fatalities, and to improve awareness along railroad rights-of-way and at highway-rail grade crossings. This includes development, placement, and dissemination of Public Service Announcements in newspaper, radio, television, and other media. It will also include school presentations, brochures and materials, support for public awareness campaigns, and related support for the activities of Operation Lifesaver's member organizations.

(b) PILOT PROGRAM.—Funds provided under subsection (a) may also be used by Operation Lifesaver to implement a pilot program, to be known as the Railroad Safety Public Awareness Program, that addresses the need for targeted, sustained community outreach on the subjects described in subsection (a). Such pilot program shall be established in States and communities where risk is greatest, in terms of the number of crashes and population density near the railroad, including residences, businesses, and schools. Such pilot program shall be carried out through grants to Operation Lifesaver for work with community leaders, school districts, and public and private partners to identify the communities at greatest risk, and through development of an implementation plan. An evaluation component requirement shall be included in the grant to measure results.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Railroad Safety Administration for carrying out this section $1,500,000 for each of the fiscal years 2008 through 2011.

SEC. 408. STATE ACTION PLAN.

(a) IN GENERAL.—The Secretary shall identify on an annual basis the top 10 States that have had the most highway-rail grade crossing collisions over the past year. The Secretary shall work with each of these States to develop a State Grade Crossing Action Plan that identifies specific solutions for improving safety at crossings, particularly at crossings that have experienced multiple accidents.

(b) REVIEW AND APPROVAL.—Not later than 60 days after the Secretary receives a plan under subsection (a), the Secretary shall review and approve or disapprove it. If the proposed plan is not approved, the Secretary shall notify the affected State as to the specific points in which the proposed plan is deficient, and the State shall correct all deficiencies within 30 days following receipt of written notice from the Secretary.

SEC. 409. FOSTERING INTRODUCTION OF NEW TECHNOLOGY TO IMPROVE SAFETY AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) AMENDMENT.—Chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

"§ 20165. Fostering introduction of new technology to improve safety at highway-rail grade crossings

''(a) FINDINGS.—(1) Collisions between highway users and trains at highway-rail grade crossings continue to cause an unacceptable loss of life and serious personal injury and also threaten the safety of rail transportation.

''(2) While elimination of at-grade crossings through consolidation of crossings and grade separations offers the greatest long-term promise for optimizing the safety and efficiency of the two modes of transportation, over 140,000 public grade crossings remain on the general rail system—approximately one for each route mile on the general rail system.

''(3) Conventional highway traffic control devices such as flashing lights and gates are effective in warning motorists of a train's approach to an equipped crossing.

''(4) Since enactment of the Highway Safety Act of 1973, over $4,200,000,000 of Federal funding has been invested in safety improvements at highway-rail grade crossings, yet a majority of public highway-rail grade crossings are not yet equipped with active warning systems.

''(5) The emergence of new technologies supporting Intelligent Transportation Systems presents opportunities for more effective and affordable warnings and safer passage of highway users and trains at remaining highway-rail grade crossings.

''(6) Implementation of new crossing safety technology will require extensive cooperation between highway authorities and railroad carriers.

''(7) Federal Railroad Safety Administration regulations establishing performance standards for processor-based signal and train control systems provide a suitable framework for qualification of new or novel technology at highway-rail grade crossings, and the Federal Highway Administration's Manual on Uniform Traffic Control Devices provides an appropriate means of determining highway user interface with such new technology.

''(b) POLICY.—It is the policy of the United States to encourage the development of new technology that can prevent loss of life and injuries at highway-rail grade crossings. The Secretary of Transportation is designated to carry out this policy in consultation with States and necessary public and private entities.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new item:

''20165. Fostering introduction of new technology to improve safety at highway-rail grade crossings.''.

TITLE V—ENFORCEMENT

SEC. 501. ENFORCEMENT.

Section 20112(a) of title 49, United States Code, is amended—

(1) by inserting ''this part or'' in paragraph (1) after ''enforce,'';

(2) by striking ''21301'' in paragraph (2) and inserting ''21301, 21302, or 21303'';

(3) by striking ''subpena'' in paragraph (3) and inserting ''subpoena, request for admissions, request for production of documents or other tangible things, or request for testimony by deposition''; and

(4) by striking ''chapter.'' in paragraph (3) and inserting ''part.''.

SEC. 502. CIVIL PENALTIES.

(a) GENERAL VIOLATIONS OF CHAPTER 201.—Section 21301(a)(2) of title 49, United States Code, is amended—

(1) by striking ''$10,000'' and inserting ''$25,000''; and

(2) by striking ''$20,000'' and inserting ''$100,000''.

(b) ACCIDENT AND INCIDENT VIOLATIONS OF CHAPTER 201; VIOLATIONS OF CHAPTERS 203 THROUGH 209.—Section 21302(a)(2) of title 49, United States Code, is amended—

(1) by striking ''$10,000'' and inserting ''$25,000''; and

(2) by striking ''$20,000'' and inserting ''$100,000''.

(c) VIOLATIONS OF CHAPTER 211.—Section 21303(a)(2) of title 49, United States Code, is amended—

(1) by striking ''$10,000'' and inserting ''$25,000''; and

(2) by striking ''$20,000'' and inserting ''$100,000''.

SEC. 503. CRIMINAL PENALTIES.

Section 21311(b) of title 49, United States Code, is amended by striking ''$500'' both places it appears and inserting ''$2,500''.

SEC. 504. EXPANSION OF EMERGENCY ORDER AUTHORITY.

Section 20104(a)(1) of title 49, United States Code, is amended by striking ''death or personal injury'' and inserting ''death, personal injury, or significant harm to the environment''.

SEC. 505. ENFORCEMENT TRANSPARENCY.

(a) AMENDMENT.—Subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

"§ 20118. Enforcement transparency

''(a) IN GENERAL.—Not later than December 31, 2007, the Secretary of Transportation shall—

''(1) provide a monthly updated summary to the public of all railroad enforcement actions taken by the Secretary or the Federal Railroad Safety Administration, from the time a notice commencing an enforcement action is issued until the enforcement action is final;

''(2) include in each such summary identification of the railroad carrier or person involved in the enforcement activity, the type of alleged violation, the penalty or penalties proposed, any changes in case status since the previous summary, the final assessment amount of each penalty, and the reasons for a reduction in the proposed penalty, if appropriate; and

''(3) provide a mechanism by which a railroad carrier or person named in an enforcement action may make information, explanations, or documents it believes are responsive to the enforcement action available to the public.

''(b) ELECTRONIC AVAILABILITY.—Each summary under this section shall be made available to the public by electronic means.

''(c) RELATIONSHIP TO FOIA.—Nothing in this section shall be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20118. Enforcement transparency.''.

SEC. 506. INTERFERING WITH OR HAMPERING SAFETY INVESTIGATIONS.

(a) AMENDMENT.—Subchapter II of chapter 213 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 21312. Interfering with or hampering safety investigations

''(a) IN GENERAL.—It shall be unlawful for any person knowingly to interfere with, obstruct, or hamper an investigation by the Secretary of Transportation conducted under section 20703 or 20902 of this title, or a railroad investigation by the National Transportation Safety Board under chapter 11 of this title.

''(b) INTIMIDATION AND HARASSMENT.—It shall be unlawful for any person, with regard to an investigation conducted by the Secretary under section 20703 or 20902 of this title, or a railroad investigation by the National Transportation Safety Board under chapter 11 of this title, knowingly or intentionally to use intimidation, harassment, threats, or physical force toward another person, or corruptly persuade another person, or attempt to do so, or engage in misleading conduct toward another person, with the intent or effect of—

''(1) influencing the testimony or statement of any person;

''(2) hindering, delaying, preventing, or dissuading any person from—

''(A) attending a proceeding or interview with, testifying before, or providing a written statement to, a National Transportation Safety Board railroad investigator, a Federal railroad safety inspector or State railroad safety inspector, or their superiors;

''(B) communicating or reporting to a National Transportation Safety Board railroad investigator, a Federal railroad safety inspector, or a State railroad safety inspector, or their superiors, information relating to the commission or possible commission of one or more violations of this part or of chapter 51 of this title; or

''(C) recommending or using any legal remedy available to the Secretary under this title; or

''(3) causing or inducing any person to—

''(A) withhold testimony, or a statement, record, document, or other object, from the investigation;

''(B) alter, destroy, mutilate, or conceal a statement, record, document, or other object with intent to impair the integrity or availability of the statement, record, document, or other object for use in the investigation;

''(C) evade legal process summoning that person to appear as a witness, or to produce a statement, record, document, or other object, in the investigation; or

''(D) be absent from an investigation to which such person has been summoned by legal process.

''(c) ELEMENTS OF VIOLATION.—(1) For the purposes of this section, the testimony or statement, or the record, document, or other object, need not be admissible in evidence or free from a claim of privilege.

''(2) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance that the investigation is being conducted by the Secretary under section 20703 or 20902 of this title or by the National Transportation Safety Board under chapter 11 of this title.

''(d) CRIMINAL PENALTIES.—A person violating this section shall be fined under title 18, imprisoned for not more than 1 year, or both.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 213 of title 49, United States Code, is amended by adding at the end the following new item:

''21312. Interfering with or hampering safety investigations.''.

SEC. 507. RAILROAD RADIO MONITORING AUTHORITY.

Section 20107 of title 49, United States Code, is amended by inserting at the end the following:

''(c) RAILROAD RADIO COMMUNICATIONS.—

''(1) IN GENERAL.—To carry out the Secretary's responsibilities under this part and under chapter 51, the Secretary may authorize officers, employees, or agents of the Secretary to conduct the following activities in circumstances the Secretary finds to be reasonable:

''(A) Intercepting a radio communication, with or without the consent of the sender or other receivers of the communication, but only where such communication is broadcast or transmitted over a radio frequency which is—

''(i) authorized for use by one or more railroad carriers by the Federal Communications Commission; and

''(ii) primarily used by such railroad carriers for communications in connection with railroad operations.

''(B) Communicating the existence, contents, substance, purport, effect, or meaning of the communication, subject to the restrictions in paragraph (3).

''(C) Receiving or assisting in receiving the communication (or any information therein contained).

''(D) Disclosing the contents, substance, purport, effect, or meaning of the communication

(or any part thereof of such communication) or using the communication (or any information contained therein), subject to the restrictions in paragraph (3), after having received the communication or acquired knowledge of the contents, substance, purport, effect, or meaning of the communication (or any part thereof).

''(E) Recording the communication by any means, including writing and tape recording.

''(2) ACCIDENT PREVENTION AND ACCIDENT INVESTIGATION.—The Secretary, and officers, employees, and agents of the Department of Transportation authorized by the Secretary, may engage in the activities authorized by paragraph (1) for the purpose of accident prevention and accident investigation.

''(3) USE OF INFORMATION.—(A) Information obtained through activities authorized by paragraphs (1) and (2) shall not be admitted into evidence in any administrative or judicial proceeding except—

''(i) in a prosecution of a felony under Federal or State criminal law; or

''(ii) to impeach evidence offered by a party other than the Federal Government regarding the existence, electronic characteristics, content, substance, purport, effect, meaning, or timing of, or identity of parties to, a communication intercepted pursuant to paragraphs (1) and (2) in proceedings pursuant to section 5122, 5123, 20702(b), 20111, 20112, 20113, or 20114 of this title.

''(B) If information obtained through activities set forth in paragraphs (1) and (2) is admitted into evidence for impeachment purposes in accordance with subparagraph (A), the court, administrative law judge, or other officer before whom the proceeding is conducted may make such protective orders regarding the confidentiality or use of the information as may be appropriate in the circumstances to protect privacy and administer justice.

''(C) No evidence shall be excluded in an administrative or judicial proceeding solely because the government would not have learned of the existence of or obtained such evidence but for the interception of information that is not admissible in such proceeding under subparagraph (A).

''(D) Information obtained through activities set forth in paragraphs (1) and (2) shall not be subject to publication or disclosure, or search or review in connection therewith, under section 552 of title 5.

''(E) Nothing in this subsection shall be construed to impair or otherwise affect the authority of the United States to intercept a communication, and collect, retain, analyze, use, and disseminate the information obtained thereby, under a provision of law other than this subsection.

''(4) APPLICATION WITH OTHER LAW.—Section 705 of the Communications Act of 1934 (47 U.S.C. 605) and chapter 119 of title 18 shall not apply to conduct authorized by and pursuant to this subsection.''.

SEC. 508. INSPECTOR STAFFING.

The Secretary shall increase the total number of positions for railroad safety inspection and enforcement personnel at the Federal Railroad Safety Administration so that by December 31, 2008, the total number of such positions is at least 500, by December 31, 2009, the total number of such positions is at least 600, by December 31, 2010, the total number of such positions is at least 700, and by December 31, 2011, the total number of positions is at least 800.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. POSITIVE TRAIN CONTROL SYSTEMS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, each Class I railroad carrier shall develop and submit to the Secretary a plan for implementing a positive train control system by December 31, 2014, that will minimize the risk of train collisions and over-speed derailments, provide protection to maintenance-of-way workers within established work zone limits, and minimize the risk of the movement of a train through a switch left in the wrong position.

(b) SAFETY REDUNDANCY.—The positive train control system required under subsection (a) shall provide a safety redundancy to minimize the risk of accidents by overriding human performance failures involving train movements on main line tracks.

(c) CONTENTS OF PLAN.—The Secretary may provide technical assistance and guidance to railroad carriers in developing the plans required under subsection (a), and shall require that each railroad carrier include in the plan, at a minimum—

(1) measurable goals, including a strategy and timeline for implementation of such systems;

(2) a prioritization of how the systems will be implemented, with particular emphasis on high-risk corridors such as those that have significant movements of hazardous materials or where commuter and intercity passenger railroads operate;

(3) identification of detailed steps the carriers will take to implement the systems; and

(4) any other element the Secretary considers appropriate.

(d) REVIEW AND APPROVAL.—Not later than 90 days after the Secretary receives a plan, the Secretary shall review and approve it. If the proposed plan is not approved, the Secretary shall notify the affected railroad carrier as to the specific points in which the proposed plan is deficient, and the railroad carrier shall correct all deficiencies within 30 days following receipt of written notice from the Secretary. The Secretary shall annually conduct a review to ensure that the railroads are complying with their plans.

(e) REPORT.—Not later than December 31, 2011, the Secretary shall transmit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the progress of the railroad carriers in implementing such positive train control systems.

(f) AUTHORITY TO EXTEND DEADLINE.—The Secretary may extend the date for implementation required under subsection (a) for any Class I railroad carrier for a period of not more than 24 months if the Secretary determines such an extension is necessary—

(1) to implement a more effective positive train control system than would be possible under the date established in subsection (a);

(2) to obtain interoperability between positive train control systems implemented by railroad carriers;

(3) for the Secretary to determine that a positive train control system meets the requirements of this section and regulations issued by the Secretary; or

(4) to otherwise enhance safety.

(g) CERTIFICATION.—The Secretary shall not permit the installation of any positive train control system or component unless the Secretary has certified that such system or component has not experienced a safety-critical failure during prior testing and evaluation. If such a failure has occurred, the system or component may be repaired and evaluated in accordance with part 236 of title 49 of the Code of Federal Regulations and may be installed when the Secretary certifies that the factors causing the failure have been corrected and approves the system for installation in accordance with such part 236.

(h) NOTICE.—Not later than 30 days after the Secretary grants an extension under subsection (f), the Secretary shall publish a notice in the Federal Register that identifies the Class I railroad carrier that is being granted the extension, the reasons for granting the extension, and the length of the extension.

SEC. 602. WARNING IN NONSIGNALED TERRITORY.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20158. Warning in nonsignaled territory

''Not later than 12 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations that require railroads, with respect to main lines in nonsignaled territory without a train speed enforcement system that would stop a train in advance of a misaligned switch, to either—

''(1) install an automatically activated device, in addition to the switch banner, that will, visually or electronically, compellingly capture the attention of the employees involved with switch operations and clearly convey the status of the switch both in daylight and darkness; or

''(2) operate trains at speeds that will allow them to be safely stopped in advance of misaligned switches.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20158. Warning in nonsignaled territory.''.

SEC. 603. TRACK SAFETY.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20159. Track safety

''(a) RAIL INTEGRITY.—Not later than 12 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations to require railroad carriers to manage the rail in their tracks so as to minimize accidents due to internal rail flaws. The regulations shall, at a minimum—

''(1) require railroad carriers to conduct ultrasonic or other appropriate inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects;

''(2) require railroad carriers to perform rail integrity inspections to manage an annual service failure rate of less than .1 per track mile on high-risk corridors such as those that have significant movements of hazardous materials or where commuter and intercity passenger railroads operate; and

''(3) encourage railroad carrier use of advanced rail defect inspection equipment and similar technologies as part of a comprehensive rail inspection program.

''(b) CONCRETE CROSSTIES.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary shall develop and implement regulations for all classes of track for concrete crossties that address, at a minimum—

''(1) limits for rail seat abrasion;

''(2) concrete crosstie pad wear limits;

''(3) missing or broken rail fasteners;

''(4) loss of appropriate toeload pressure;

''(5) improper fastener configurations; and

''(6) excessive lateral rail movement.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20159. Track safety.''.

SEC. 604. CERTIFICATION OF CONDUCTORS.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20160. Certification of conductors

''(a) REGULATIONS.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations and issue orders to establish a program requiring the certification of train conductors. In prescribing such regulations, the Secretary shall require that conductors on passenger trains be trained in security, first aid, and emergency preparedness.

''(b) PROGRAM DESIGN.—The program established under this section shall be designed based on the requirements of section 20135(b) through (e).''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20160. Certification of conductors.''.

SEC. 605. MINIMUM TRAINING STANDARDS.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20161. Minimum training standards

''The Secretary of Transportation shall, not later than 180 days after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, establish—

''(1) minimum training standards for each class and craft of railroad employees, which shall require railroad carriers to qualify or otherwise document the proficiency of their employees in each class and craft regarding their knowledge of, and ability to comply with, Federal railroad safety laws and regulations and railroad carrier rules and procedures promulgated to implement those Federal railroad safety laws and regulations;

''(2) a requirement for railroad carriers to submit their training and qualification programs to the Federal Railroad Safety Administration for approval; and

''(3) a minimum training curriculum, and ongoing training criteria, testing, and skills evaluation measures to ensure that railroad employees charged with the inspection of track or railroad equipment are qualified to assess railroad compliance with Federal standards to identify defective conditions and initiate immediate remedial action to correct critical safety defects that are known to contribute to derailments, accidents, or injury. In implementing the requirements of this paragraph, the Secretary shall take into consideration existing training programs of railroad carriers.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20161. Minimum training standards.''.

SEC. 606. PROMPT MEDICAL ATTENTION.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20162. Prompt medical attention

''(a) PROHIBITION.—A railroad or person covered under this title shall not deny, delay, or interfere with the medical or first aid treatment of an employee who is injured during the course of employment. If transportation to a hospital is requested by an employee who is injured during the course of employment, the railroad shall promptly arrange to have the injured employee transported to the nearest medically appropriate hospital.

''(b) DISCIPLINE.—A railroad or person covered under this title shall not discipline, or threaten discipline to, an employee for requesting medical or first aid treatment, or for following orders or a treatment plan of a treating physician. For purposes of this subsection, discipline means to bring charges against a person in a disciplinary proceeding, suspend, terminate, place on probation, or make note of reprimand on an employee's record.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20162. Prompt medical attention.''.

SEC. 607. EMERGENCY ESCAPE BREATHING APPARATUS.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20163. Emergency escape breathing apparatus

''Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations that require railroads to—

''(1) provide emergency escape breathing apparatus for all crewmembers on freight trains carrying hazardous materials that would pose an inhalation hazard in the event of release; and

''(2) provide their crewmembers with appropriate training for using the breathing apparatus.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20163. Emergency escape breathing apparatus.''.

SEC. 608. LOCOMOTIVE CAB ENVIRONMENT.

Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the effects of the locomotive cab environment on the safety, health, and performance of train crews.

SEC. 609. TUNNEL INFORMATION.

Not later than 120 days after the date of enactment of this Act, each railroad carrier (as defined in section 20102 of title 49, United States Code) shall, with respect to each of its tunnels which—

(1) are longer than 1000 feet and located under a city with a population of 400,000 or greater; or

(2) carry 5 or more scheduled passenger trains per day, or 500 or more carloads of Toxic Inhalation Hazardous materials per year,

maintain for at least two years historical documentation of structural inspection and maintenance activities for such tunnels, including information on the methods of ingress and egress into and out of the tunnel, the types of cargos typically transported through the tunnel, and schematics or blueprints for the tunnel, when available. Upon request, a railroad carrier shall also provide periodic briefings to the government of the local jurisdiction in which the tunnel is located, including updates whenever a repair or rehabilitation project substantially alters the methods of ingress and egress. Such governments shall use appropriate means to protect and restrict the distribution of any security sensitive information provided by the railroad carrier under this section, consistent with national security interests.

SEC. 610. RAILROAD POLICE.

Section 28101 of title 49, United States Code, is amended by striking ''the rail carrier'' each place it appears and inserting ''any rail carrier''.

SEC. 611. MUSEUM LOCOMOTIVE STUDY.

(a) STUDY.—The Secretary of Transportation shall conduct a study of its regulations relating to safety inspections of diesel-electric locomotives and equipment and the safety consequences of requiring less frequent inspections of such locomotives which are operated by museums, including annual inspections or inspections based on accumulated operating hours. The study shall include an analysis of the safety consequences of requiring less frequent air brake inspections of such locomotives.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall transmit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 612. CERTIFICATION OF CARMEN.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20164. Certification of carmen

''(a) REGULATIONS.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations and issue orders to establish a program requiring the certification of carmen, including all employees performing mechanical inspections, brake system inspections, or maintenance on freight and passenger rail cars.

''(b) PROGRAM DESIGN.—The program established under this section shall be designed by the Secretary of Transportation based on the requirements of parts 215, 221, 231, 232, and 238 of title 49 of the Code of Federal Regulations.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20164. Certification of carmen.''.

SEC. 613. TRAIN CONTROL SYSTEMS DEPLOYMENT GRANTS.

(a) GRANT PROGRAM.—The Secretary of Transportation shall establish a grant program for the deployment of train control and component technologies, including—

(1) communications-based train control systems designed to prevent train movement authority violations, over-speed violations, and train collision accidents caused by noncompliance with authorities as well as to provide additional protections to roadway workers and protect against open switches in nonsignal territories;

(2) remote control power switch technology;

(3) switch point monitoring technology; and

(4) track integrity circuit technology.

(b) GRANT CRITERIA.—

(1) ELIGIBILITY.—Grants shall be made under this section to eligible passenger and freight railroad carriers and State and local governments for projects described in subsection (a) that have a public benefit of improved safety or network efficiency.

(2) IMPLEMENTATION PLAN.—An applicant for a grant made pursuant to this section shall file with the Secretary a train control implementation plan that shall describe the overall safety and efficiency benefits of installing systems described in subsection (a) and the stages for implementing such systems.

(3) CONSIDERATION.—The Secretary shall give priority consideration to applications that benefit both passenger and freight safety and efficiency, or incentivize train control technology deployment on high-risk corridors such as those that have significant movements of hazardous materials or where commuter and intercity passenger railroads operate.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2008 through 2011 to carry out this section.

(2) Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 614. INFRASTRUCTURE SAFETY INVESTMENT REPORTS.

Not later than February 15th of each year, each Class I railroad shall file a report with both the Federal Railroad Safety Administration and the Surface Transportation Board detailing, by State, the infrastructure investments and maintenance they have performed on their system, including but not limited to track, locomotives, railcars, and grade crossings, in the previous calendar year to ensure the safe movement of freight, and their plans for such investments and maintenance in the current calendar year. Such reports shall be publicly available, and any interested party may file comments

about the reports, which also shall be made public.

SEC. 615. EMERGENCY GRADE CROSSING SAFETY IMPROVEMENTS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation shall establish a grant program to provide for emergency grade crossing safety improvements, including the installation, repair, or improvement of—

(1) railroad crossing signals, gates, and related technologies, including median barriers and four quadrant gates;

(2) highway traffic signalization, including highway signals tied to railroad signal systems;

(3) highway lighting and crossing approach signage;

(4) roadway improvements, including railroad crossing panels and surfaces; and

(5) related work to mitigate dangerous conditions.

(b) GRANT CRITERIA.—

(1) ELIGIBILITY.—The Secretary may make grants to State and local governments under this section to provide emergency grade crossing safety improvements at a location where there has been a railroad grade crossing collision with a school bus, or collision involving three or more serious bodily injuries or fatalities.

(2) MAXIMUM AMOUNT.—Grants awarded under paragraph (1) shall not exceed $250,000 per crossing.

(3) NO STATE OR LOCAL SHARE.—The Secretary shall not require the contribution of a State or local share as a condition of the grant.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2008 through 2011 to carry out this section. Amounts made available under this subsection shall remain available until expended.

SEC. 616. CLARIFICATIONS REGARDING STATE LAW CAUSES OF ACTION.

Section 20106 of title 49, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Laws, regulations''; and

(2) by inserting at the end the following new subsection:

''(b) CLARIFICATIONS REGARDING STATE LAW CAUSES OF ACTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party has violated the Federal standard of care established by a regulation or order issued by the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to the railroad security matters) covering the subject matter as provided in subsection (a) of this section. This includes actions under State law for a party's violation of or failure to adequately comply with its own plan, rule, or standard that it created pursuant to a regulation or order issued by either of the Secretaries or for a party's failure to adequately comply with a law, regulation, or order issued by either of the Secretaries. Actions under State law for a violation of a State law, regulation, or order that is not inconsistent with subsection (a)(2) are also not preempted.

''(2) RETROACTIVITY.—This subsection shall apply to all pending State law causes of action arising from events or activities occurring on or after January 18, 2002.''.

TITLE VII—RAIL PASSENGER DISASTER FAMILY ASSISTANCE

SEC. 701. SHORT TITLE.

This title may be cited as the ''Rail Passenger Disaster Family Assistance Act of 2007''.

SEC. 702. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

''§ 1139. Assistance to families of passengers involved in rail passenger accidents

''(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

''(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

''(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

''(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

''(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

''(2) communicating with the families of passengers involved in the accident as to the roles of—

''(A) the organization designated for an accident under subsection (a)(2);

''(B) Government agencies; and

''(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

''(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

''(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

''(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

''(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

''(4) To arrange a suitable memorial service, in consultation with the families.

''(d) PASSENGER LISTS.—

''(1) REQUESTS FOR PASSENGER LISTS.—

''(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

''(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

''(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

''(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

''(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

''(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

''(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

''(g) PROHIBITED ACTIONS.—

''(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

''(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

''(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster occurring in the provision of—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

''(2) RAIL PASSENGER CARRIER.—The term 'rail passenger carrier' means a rail carrier providing—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

''(3) PASSENGER.—The term 'passenger' includes—

''(A) an employee of a rail passenger carrier aboard a train;

''(B) any other person aboard the train without regard to whether the person paid for the

transportation, occupied a seat, or held a reservation for the rail transportation; and

''(C) any other person injured or killed in the accident.

''(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

''(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

''(2) BOARD ASSISTANCE.—If this section does not apply to a railroad accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1138 the following:

''1139. Assistance to families of passengers involved in rail passenger accidents.''.

SEC. 703. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 251—FAMILY ASSISTANCE

''Sec.

''25101. Plans to address needs of families of passengers involved in rail passenger accidents.

''§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

''(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

''(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

''(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1139(a)(2) of this title or the services of other suitably trained individuals.

''(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

''(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1139(a)(1) of this title, and to the organization designated for the accident under section 1139(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

''(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

''(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

''(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

''(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

''(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(10) An assurance that the rail passenger carrier will work with any organization designated under section 1139(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

''(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1139(a)(2) of this title for services provided by the organization.

''(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

''(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

''(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

''(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

''(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

''(d) DEFINITIONS.—In this section—

''(1) the terms 'rail passenger accident' and 'rail passenger carrier' have the meanings such terms have in section 1139 of this title; and

''(2) the term 'passenger' means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.''.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

''251. FAMILY ASSISTANCE ..... 25101''.

SEC. 704. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board, organizations potentially designated under section 1139(a)(2) of title 49, United States Code, rail passenger carriers, and families which have been involved in rail accidents, shall establish a task force consisting of representatives of such entities and families, representatives of passenger rail carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) MODEL PLAN AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

(1) a model plan to assist passenger rail carriers in responding to passenger rail accidents;

(2) recommendations on methods to improve the timeliness of the notification provided by passenger rail carriers to the families of passengers involved in a passenger rail accident;

(3) recommendations on methods to ensure that the families of passengers involved in a passenger rail accident who are not citizens of the United States receive appropriate assistance; and

(4) recommendations on methods to ensure that emergency services personnel have as immediate and accurate a count of the number of passengers onboard the train as possible.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–371. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–371.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

Page 27, line 19, through page 34, line 14, amend title III to read as follows (and amend the table of contents accordingly):

TITLE III—BRIDGE SAFETY

SEC. 301. RAILROAD BRIDGE SAFETY ASSURANCE.

Not later than 12 months after the date of enactment of this Act, the Federal Railroad Safety Administration shall implement regulations requiring owners of track carried on one or more railroad bridges to adopt safety practices to prevent the deterioration of

railroad bridges and reduce the risk of human casualties, environmental damage, and disruption to the Nation's transportation system that would result from a catastrophic bridge failure. The regulations shall, at a minimum—

(1) require each track owner to—

(A) develop and maintain an accurate inventory of its railroad bridges, which shall identify the location of each bridge, its configuration, type of construction, number of spans, span lengths, and all other information necessary to provide for the safe management of the bridges;

(B) ensure that a professional engineer competent in the field of railroad bridge engineering, or a qualified person under the supervision of the track owner, determines bridge capacity;

(C) maintain, and update as appropriate, a record of the safe capacity of each bridge which carries its track and, if available, maintain the original design documents of each bridge and a documentation of all repairs, modifications, and inspections of the bridge;

(D) develop, maintain, and enforce a written procedure that will ensure that its bridges are not loaded beyond their capacities;

(E) conduct regular comprehensive inspections of each bridge, at least once per year, and maintain records of those inspections that include the date on which the inspection was performed, the precise identification of the bridge inspected, the items inspected, an accurate description of the condition of those items, and a narrative of any inspection item that is found by the inspector to be a potential problem;

(F) ensure that the level of detail and the inspection procedures are appropriate to the configuration of the bridge, conditions found during previous inspections, and the nature of the railroad traffic moved over the bridge, including car weights, train frequency and length, levels of passenger and hazardous materials traffic, and vulnerability of the bridge to damage;

(G) ensure that an engineer who is competent in the field of railroad bridge engineering—

(i) is responsible for the development of all inspection procedures;

(ii) reviews all inspection reports; and

(iii) determines whether bridges are being inspected according to the applicable procedures and frequency, and reviews any items noted by an inspector as exceptions; and

(H) designate qualified bridge inspectors or maintenance personnel to authorize the operation of trains on bridges following repairs, damage, or indications of potential structural problems;

(2) instruct Administration bridge inspectors to obtain copies of the most recent bridge management programs and procedures of each railroad within the inspector's areas of responsibility, and require that inspectors use those programs when conducting bridge inspections; and

(3) establish a program to review bridge inspection and maintenance data from railroads and Administration bridge inspectors periodically.

Page 73, lines 18 through 21, strike section 610.

Page 73, line 22, through page 77, line 16, redesignate sections 611 through 615 as sections 610 through 614, respectively (and amend the table of contents accordingly).

Page 79, line 1, through page 80, line 7, strike section 616 (and amend the table of contents accordingly).

Page 80, after line 7, insert the following new section (and amend the table of contents accordingly):

SEC. 615. LOCOMOTIVE HORN REQUIREMENT WAIVER.

Section 20153(c) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary, in reviewing applications for waivers or exemptions, shall consider horn noise and the impact of such noise on the local community and the unique characteristics of the community.''.

The CHAIRMAN. Pursuant to House Resolution 724, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

The collapse of the Interstate 35 bridge in Minneapolis on August 1 while I was at this very microphone managing a conference report on water resources amendments stunned the Nation, stunned this House. It startled my colleagues in the Minnesota delegation and our colleagues on the committee.

But shortly after that, the Federal Railroad Administration and the GAO warned that many of the Nation's 76,000 railroad bridges may also be at risk.

FRA on September 11 issued a rail safety advisory on railroad bridges, reporting that 52 accidents over the period 1982 to 1986 were caused by the catastrophic structural failure of railroad bridges. The most recent accident was the M&B Railroad near Myrtlewood, Alabama, where a train of solid-fuel rocket motors derailed when a timber trestle railroad bridge collapsed under that train. Several cars, one carrying a rocket motor, rolled onto their side. Six people were injured.

Bridge failures do not account for the majority of train accidents, but FRA noted and updated their guidelines and reported that they have found instances ''where lack of adherence to the FRA's bridge safety policy resulted in trains operating over structural deficiencies in steel bridges that could easily have resulted in serious train accidents.'' We deal with that issue, among others, in this manager's amendment.

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

Mr. SHUSTER. Mr. Chairman, I do not oppose the amendment, but ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, Chairman OBERSTAR's manager's amendment contains several important provisions. First, it codifies FRA's existing safety advisory on railroad bridges. This provision will help ensure that the recent tragic collapse of the highway bridge in Minneapolis will never be repeated on our Nation's rail system.

The manager's amendment also modifies the Swift Act, which requires locomotives to sound whistles at every crossing in the Nation. The amendment will require the FRA to take into account the impact of horn use on local communities.

For example, the town of Baldwin, Florida, is only a mile wide, but has a number of rail crossings and heavy train traffic. According to Mayor Godbold of Baldwin, locomotives sound their horns over a thousand times per day in this small town. The amendment will help Baldwin and other towns balance issues of safety and noise pollution.

Finally, the manager's amendment makes some technical corrections deleting the preemption and the police provisions which have already been enacted in the 9/11 bill.

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

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. COHEN), a member of the committee.

Mr. COHEN. Mr. Chairman, I want to thank the chairman and the ranking member and Mr. SHUSTER for doing such a wonderful job on this bill. The chairman is passionate about this issue, and the American people are fortunate to have people in the Chair's position who are knowledgeable and passionate about the subject matter.

I rise today in support of the H.R. 2095, and am pleased to be a cosponsor of this legislation which would reorganize the Federal Railroad Administration as the Federal Railroad Safety Administration, and requires the Secretary of Transportation to develop a long-term strategy for reducing the number and rates of accidents, injuries, and fatalities involving railroads. It is not just linguistics; it is action and direction.

The city of Memphis, which lies along the Tennessee border, is a major hub for the railroad industry. The city ranks third nationally in the number of class 1 railroads. According to the Memphis Regional Chamber, 220 trains pass through Memphis every day. Between January and July of 2007, there were 36 rail accidents in Shelby County, two of which were fatal. Consequently, railroad safety is critically important to my district.

I was pleased that this Congress passed and enacted H.R. 1401, the Rail and Public Transportation Security Act, which was designed to enhance the security of our railroad transportation systems. The bill also adopted an amendment I introduced which called on the Secretary of Transportation, in consultation with the Homeland Security Secretary, to work to minimize the hazards of toxic inhalation hazardous material.

This legislation today goes further by focusing on rail safety for passengers, pedestrians and train workers. The bill changes the hours of service rules for railroad workers and includes measures to improve areas where railroad tracks cross roads. This happens

too frequently in Memphis, particularly in the university district.

In response to inspection personnel shortages, the measure requires the Department of Transportation increase the number of Federal Railroad Safety Administration safety inspections and enforcement personnel, setting targets that are reachable and good for the public. I urge all Members to support passage of the bill.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time to point out that in the manager's amendment, we strike section 301, the whistleblower provision, and section 616, the preemption provision, which was included in the security bill. And I note those two because they are two of the five objections the administration raises in its statement of administration policy, so they are objecting to two items not in the bill nor in the manager's amendment. Therefore, I urge support of the manager's amendment.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to take this time to again thank Chairman OBERSTAR for his leadership on the issue of safety.

The Managers amendment clarifies two important issues that have been dealt with in other legislation. The whistleblower protections and changes to federal preemption which the committee worked hard to fix.

It also includes language that requires railroad owners to adopt measures that improve the safety of railroad bridges, and requires the Secretary to consider community concerns when granting exemptions for sounding locomotive whistles.

I encourage my colleagues to support this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MRS. NAPOLITANO

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–371.

Mrs. NAPOLITANO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mrs. NAPOLITANO:

At the end of title VI, add the following new section (and amend the table of contents accordingly):

SEC. 617. SAFETY INSPECTIONS IN MEXICO.

(a) IN GENERAL.—Mechanical and brake inspections of rail cars performed in Mexico shall not be treated as satisfying United States rail safety laws or regulations unless the Secretary of Transportation certifies that—

(1) such inspections are being performed under regulations and standards equivalent to those applicable in the United States, including comparable enforcement procedures;

(2) the Mexican counterparts to the Federal Railroad Safety Administration are effectively enforcing such standards;

(3) the inspections are being performed by employees receiving comparable classroom and on the job training as is the norm in the United States;

(4) inspection records are maintained in both English and Spanish, and such records are available to the Federal Railroad Safety Administration for review; and

(5) the Federal Railroad Safety Administration is permitted to perform onsite inspections for the purpose of ensuring compliance with the requirements of this subsection.

(b) HAZARDOUS MATERIAL INSPECTIONS.—Notwithstanding subsection (a), no hazardous material inspections performed in Mexico shall be treated as having satisfied the applicable United States rail safety laws and regulations.

The CHAIRMAN. Pursuant to House Resolution 724, the gentlewoman from California (Mrs. NAPOLITANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chairman, my amendment ensures that trains entering or reentering this country from Mexico are certified and inspected. Over 10,000 trains enter the United States from Mexico through Calexico, San Ysidro, Brownsville, El Paso, Laredo, Eagle Pass and Arizona at Nogales. Currently, all trains crossing the border are inspected by our own U.S. inspectors who are highly trained, must follow stringent FRA requirements, fully understand rail safety laws, earn a good salary with strong benefits, and the rail companies they work for are fully liable in case of an accident.

U.S. railroad companies have been trying to outsource inspections to Mexico. Union Pacific has been twice denied by FRA in 2004 and 2007. We must set up a process for the Department of Transportation to ensure continued protection with legitimate inspections.

Mexican inspectors have much lower standards for safety than our U.S. inspectors, are not versed in U.S. laws and regulations, and are poorly compensated compared to U.S. inspectors.

My amendment ensures that all trains coming into the United States from Mexico continue to be safe for rail travel in our country and prohibits Mexican inspectors from performing safety inspections unless the U.S. Secretary of Transportation certifies that inspections are performed under U.S. regulation and U.S. standards, that the Mexican Government is effectively enforcing such safety standards, that inspectors are receiving comparable classroom and on-the-job training as in the U.S., inspection records are maintained in both English and Spanish, records are available to the FRA for review, and the FRA is permitted to perform on-site inspections in Mexico.

My amendment also forbids inspections of any hazardous material railcars from taking place in Mexico. FRA must have the ability to grant waivers only if strict safety precautions are in place and adhered to. My amendment protects against future attempts by railroads to apply for inspections in Mexico unless they follow restrictions. My amendment ensures safety and security of all trains entering the United States through the southern border.

Mr. Chairman, I ask my colleagues to support this important safety amendment.

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

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition, though I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I have some concerns with this amendment which attempts to regulate railcar brake inspections in Mexico.

As I understand it, this issue has already been dealt with by the FRA. The Union Pacific Railroad had requested a limited waiver to do certain air brake testing in Mexico, but the Federal Rail Administration denied that waiver. So air brake and other safety inspections are actually being done on the American side of the border.

A potentially larger issue is that this amendment attempts to regulate labor conditions in Mexico. This amendment would interfere with the existing flow of commerce across our southern border. I do not have an answer to that, but I am concerned it could be construed as violating NAFTA.

While I agree with Mrs. NAPOLITANO's intent of ensuring a safe U.S. rail system, I have great concerns. But I hope we can work together as we go through conference to take care of my concerns. I thank the chairman.

Mr. OBERSTAR. Mr. Chairman, I yield myself 1½ minutes to point out that although the gentleman is right, the FRA did deny Union Pacific, the denial is ''without prejudice to the submission of a future request addressing the same subject matter,'' so the issue remains alive and it seems appropriate to address it in this manner.

The gentleman does raise a concern about the NAFTA agreement and such language might run in contravention, but safety always trumps other issues. In our aviation trade agreements with other countries, the U.S. rules on safety prevail over those of the trading nation. We are elevating this whole role of safety in the FRA and changing its title to the Federal Railroad Safety Administration.

I think we should explore further in that context and with relationship to aviation the effect of NAFTA and the effect this language might have within NAFTA, and I will be glad to pursue that with the gentleman.

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

□ 1700

Mrs. NAPOLITANO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Chairman, I commend my friend GRACE NAPOLITANO for her leadership on this amendment.

This amendment is about protecting American jobs, and I state, about protecting American jobs. It's about ensuring the safety of our workers and our communities. It's about securing our Nation's borders. We must not let the railroad industry outsource this important work. The safety and security of our Nation depends on it.

Ten thousand trains enter the United States from Mexico each year. We must ensure the highest standards for safety inspections of these trains. American workers know how to do it best.

This amendment ensures the highest safety, training and enforcement standards are met. In the wake of 9/11 and in light of the train derailments we've seen, and I know that in my district we had one, it is the least we can do to enhance the safety of our community and ensure our Nation's safety.

I urge my colleagues to vote in favor of GRACE NAPOLITANO's amendment.

Mrs. NAPOLITANO. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I'm glad that the chairman of the committee pointed out that this is an ongoing issue.

In 2004, 2007, when it was requested, it may have been denied, but in San Antonio, we've had such a rash of accidents for the past 5 years that finally railroad safety came to the forefront and we are recognizing some progress. Let's not go backward and allow these waivers.

When the FRA denied the UP waiver in 2004, it did so because they found that documentation on employee training was insufficient and unsatisfactory. When they withdrew their request in 2007, the company spokesman commented that the political climate was wrong for them to push for the waiver.

But let us make sure that the political climate remains unfavorable and that common sense will prevail and only so if we pass this amendment, and I urge all my colleagues to vote ''yes'' on the Napolitano amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to commend the congresswoman for introducing this amendment. She's a great addition to the Transportation Committee, but she has come with strong support for railroad safety, and I want to thank her.

This is a perfect addition to this safety legislation. This amendment prohibits Mexican companies and inspectors from performing mechanical and brake inspections unless they follow U.S. safety, training and enforcement standards. It makes no sense to apply rail safety measures in the U.S. if they are not going to apply to trains coming in from Mexico. This is just a commonsense amendment.

I encourage my colleagues to support this amendment.

Mr. OBERSTAR. Under the rule, the gentlewoman from California has the right to close on her amendment?

The CHAIRMAN. The gentleman from Minnesota is right. The gentlewoman from California does have the right to close.

Mr. OBERSTAR. Mr. Chairman, with the further caveat about the issues raised by the gentleman from Pennsylvania about the possible effect on NAFTA, a matter going forward we can review with the appropriate authorities, I urge support for the amendment of the gentlewoman from California.

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

Mrs. NAPOLITANO. Mr. Chairman, I thank Chairman OBERSTAR and Ranking Member MICA and all my colleagues.

This is a very important bill to continue making the FRA the safety agency it's supposed to be. We need to be able to ensure that any railcar traveling in the U.S. carries the same safety inspection standards as any other railcar.

So, with that, I ask for an ''aye'' vote and support for the amendment and the full bill.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. PALLONE

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–371.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PALLONE:

Page 80, after line 7, insert the following new section (and amend the table of contents accordingly):

SEC. 617. SURFACE TRANSPORTATION BOARD JURISDICTION OVER SOLID WASTE FACILITIES.

Section 10501 of title 49, United States Code, is amended—

(1) by striking ''facilities,'' in subsection (b)(2) and inserting ''facilities (except solid waste rail transfer facilities as defined in subsection (c)(3)(C)),''; and

(2) by adding at the end of subsection (c)(3) the following new subparagraph:

''(C) Nothing in this section preempts a State or local governmental authority from regulating solid waste rail transfer facilities. For purposes of this subparagraph, the term 'solid waste rail transfer facility' means the portion of any facility owned or operated by or on behalf of a rail carrier, at which occurs the—

''(i) collection, storage, or transfer, outside of original shipping containers;

''(ii) separation; or

''(iii) processing (including baling, crushing, compacting, and shredding), of solid waste, as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).''.

The CHAIRMAN. Pursuant to House Resolution 724, the gentleman from New Jersey (Mr. PALLONE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

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

Mr. Chairman, this amendment will exclude solid waste rail transfer facilities from the exclusive jurisdiction of the Surface Transportation Board and provide that laws outlining the STB's jurisdiction would not preempt the authority of State and local governments to regulate such facilities.

In New Jersey, and all over the country, certain waste handlers and railroad companies have tried to exploit a supposed loophole in Federal law in order to set up unregulated waste transfer facilities.

Under the Interstate Commerce Commission Termination Act of 1995, the STB has exclusive jurisdiction over transportation by rail carriers and the ability to grant Federal preemption over other laws at any level, local, State or Federal, that might impede such transportation.

But Congress intended such authority to extend only transportation by rail, not to the operation of facilities that are merely sited next to rail operations or have a business connection to a rail company.

Unfortunately, certain companies have exploited this loophole to build or plan waste transfer stations next to rail lines and avoid any regulation from the State or local authorities.

It's my hope that this amendment will take the STB out of the waste management business by ensuring that State and local governments have the right to regulate solid waste transfer stations.

We must ensure that solid waste facilities follow the rules and do not pollute pristine open space, and do all that we can to protect our environment from unregulated facilities.

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

Mr. SHUSTER. Mr. Chairman, I rise to claim the time in opposition.

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

Mr. SHUSTER. Mr. Chairman, this amendment deals with STB preemption of laws regarding railroad waste transportation facilities. The Rail Subcommittee has held several hearings on this issue, one last year and another just yesterday.

I've a great interest in this issue, as my home State of Pennsylvania is the number one recipient of imported waste from other States, most of it coming from New Jersey and New York City. So, as I said, I've great concern.

At yesterday's hearing, we heard many complaints from local communities about illegal railroad, or not

even railroads, but people who claim the railroads, that are waste facilities. We also heard from the STB that most local laws are not currently preempted by Federal law. In fact, many entities claiming Federal preemption do not have legitimate claims.

I think it's clear that this law has to be clarified to make it easier to stop unscrupulous operators that Mr. PALLONE mentioned in his State of New Jersey, but regarding Mr. PALLONE's amendment, the STB has told our rail staff that this amendment needs improvement to accomplish that, to accomplish the stated goal of regulating railroad waste facilities.

In fact, I quote from a letter from the chairman of STB that says his ''general concern with the Pallone amendment is that it is overbroad and could result in local land use and zoning agencies exerting jurisdiction over legitimate rail transportation projects and impeding interstate commerce.''

In addition, the STB is already in the process of addressing many of these issues, which they need to do. If people were out there operating waste facilities in an illegal or unscrupulous manner, that needs to be addressed.

I would like to work with Mr. PALLONE on this issue, but I'm going to oppose this amendment on those grounds. We need to encourage States to deal with their trash problem, all of us across this country. We all produce waste. We've got to make sure in our neighborhoods that we're taking care of our own waste and not shipping it to other States, and I'm just concerned that that's what will occur if this amendment is passed. And so I urge my colleagues to oppose this amendment.

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

Mr. PALLONE. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from New Jersey (Mr. PALLONE) has 3½ minutes remaining. The gentleman from Pennsylvania (Mr. SHUSTER) has 3 minutes remaining.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN), the subcommittee Chair.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to compliment Congressman PALLONE for his hard work on this issue of rail-owned waste transfer facilities.

Yesterday, the Railroad Subcommittee held a hearing on rail-owned municipal waste transfer facilities. We learned that there is a growing concern in the Northeast that some railroads are using Federal preemptions standards to shield themselves from important State and local environmental laws which are leading to a lack of environmental and health-related oversight of these facilities.

This language may need to be refined to ensure that States and localities don't overregulate the industry, but this is the right first step in ensuring that railroad operated waste transfer stations are not posing a health or environmental risk to the communities where they're operating.

I encourage my colleagues to support this amendment, and I think we will work as we go toward conference to improve it and refine the language.

Mr. SHUSTER. Mr. Chairman, I have no further speakers, and I reserve my time.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR), the chairman of the committee.

Mr. OBERSTAR. Mr. Chairman, the essential issue here is not whether the noxious fumes, whether the groundwater pollution caused by solid waste deposited on rail property should be regulated. The question here is whether the language and the manner in which the gentleman proposes to prevent those effects upon nearby communities is in interference with the authority and the preemption authority of the Federal Railroad Administration.

Mr. Mulvey, one of the commissioners of the Surface Transportation Board, said, ''I believe that an amendment such as this is necessary to redress the growing misuse of Federal railroad preemption law . . . with respect to solid waste transload facilities.'' But he, too, expresses concerns that it could be interpreted too broadly to frustrate the zoning of legitimate solid waste transfer facilities.

This is an issue, he says, that can be worked out. It can be worked out, and we are committed to doing so, with participation of the gentleman from Pennsylvania.

The CHAIRMAN. The time remaining is the gentleman from Pennsylvania (Mr. SHUSTER) has 3 minutes remaining. The gentleman from New Jersey (Mr. PALLONE) has 1½ minutes remaining. The gentleman from Pennsylvania has the right to close.

Mr. SHUSTER. Mr. Chairman, I agree with what the chairman said. Again, I don't disagree with the situation that is occurring that appears significant in New Jersey.

I am concerned, as I stated, that this language is going to allow communities to stop legitimate and law-abiding rail entities and operations, to stop them when they don't like it. I have great concern in that.

I believe the trash issue, as I said, is significant. Pennsylvania is the biggest importer of trash in the Nation with 10 million tons every year coming across the border into Pennsylvania.

My concern is that this problem will get pushed out of New Jersey and out of other States into States that are more willing to handle it, and as I said, we all produce trash. I'm sure today I've got half a waste can or more in my office. My community produces trash. Communities have to deal with that problem.

Again, nobody wants a landfill in their backyard, but the reality is we've got to have landfills. We've got to have these waste transfer stations. We've got to make sure, though, that people that are operating them are operating them properly so that we're not damaging the environment, that we aren't doing negative things to our communities because, as we heard yesterday, outside of Philadelphia and Bensalem, Mr. MURPHY's district, they were trying to redevelop their town, and right across the street, somebody wants to come in and put in a waste treatment facility or waste transfer station that's not going to be positive for that community.

So, again, local communities have to have some say, but we've got to make sure they're not overstepping and stopping legitimate operations.

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

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I think it's clear the amendment does not apply to containerized facilities. They still are subject to the Federal preemption. The only question is whether there's infringement on preemption with open facilities, open solid waste storage facilities. That is a matter on which I think with further discussion we can reach an amicable resolution.

Mr. SHUSTER. I appreciate and look forward to having those discussions. I, again, oppose the amendment.

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

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I thank the gentleman from New Jersey.

Mr. Chairman, I rise today to urge my colleagues to support this critical amendment that we are offering with my good friend Mr. PALLONE of New Jersey.

Right now in districts across America companies are trying to skirt the law and put our communities at risk.

□ 1715

In my district in Bensalem of Bucks County, Pennsylvania, a company is trying to construct a waste transfer facility despite widespread public opposition. A few months ago I stood with the leaders of Bensalem, Mayor Joseph DiGirolamo and State Representative Gene DiGirolamo, as we urged Congress to close this loophole that allows this end-run around local and State laws.

This is not a partisan issue, as these two Republican leaders of Bensalem will attest to. After all, ensuring that our neighborhoods are kept clean and safe isn't about politics; it is about doing what is right. With this amendment, we have an opportunity to protect our neighborhoods. I urge swift passage of this important amendment.

The CHAIRMAN. The gentleman from New Jersey is recognized for the 30 seconds remaining.

Mr. PALLONE. Thank you, Mr. Chairman. Let me just thank Mr. MURPHY, who I should say is a cosponsor with me of this amendment.

I include for the RECORD the letter from the Commissioner of the Surface Transportation Board, Mr. Francis Mulvey, to Chairwoman BROWN where he indicates his support of the amendment. He does, as the chairman of the full committee says, believe that there may be some issues that will have to be worked out as we move to conference or whatever on this. I would assure my colleague from Pennsylvania that we would try to do that. I urge support of the amendment.

SURFACE TRANSPORTATION BOARD,
Washington, DC, October 17, 2007.

Hon. CORRINE BROWN,
Chairwoman, Subcommittee on Railroads, Pipelines and Hazardous Materials, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN BROWN: I am writing in support of the pending Pallone-Murphy Amendment to be offered to H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. In accordance with my testimony before the Subcommittee at yesterday's hearing, I believe that an amendment such as this is necessary to redress the growing misuse of federal railroad preemption law, 49 U.S.C. 10501(b), with respect to solid waste transload facilities.

I am concerned that the Amendment could possibly be interpreted too broadly to enable State and local governments to frustrate the zoning of legitimate solid waste transload facilities, but I believe this is an issue that can be worked out as the Amendment and Bill move forward.

I also want to echo my testimony yesterday by making it clear that determining where the boundaries of federal preemption lie is a delicate process, as shown by the Board's and courts' thoughtful interpretations over the past 12 years since the passage of the ICC Termination Act of 1995. I do not believe that the scope of preemption should be narrowed any more than is necessary to prevent its misuse. Under no circumstances should State and local police powers be circumscribed.

Thank you for your consideration of my views. I remain available to answer any further questions you or other Members may have about this issue.

Sinerely,

FRANCIS P. MULVEY,
Commissioner.

Mr. HOLT. Mr. Chairman, I rise today to support the amendment from my colleague from New Jersey, Mr. PALLONE and my colleague from Pennsylvania, Mr. MURPHY to the Federal Railway Safety and Safety Improvement Act.

Mr. PALLONE and Mr. MURPHY's amendment would exclude from the jurisdiction of the Surface Transportation Board the regulation and approval of solid waste transfer and processing facilities near railway stations. This amendment addresses a serious environmental concern in allowing companies to skirt solid waste regulations and I fully support this amendment.

The Interstate Commerce Commission Termination Act of 1995 gave the STB jurisdiction over transportation by rail carriers and authorized the STB to pre-empt Federal, State or local laws in conflict with Commerce Clause. This law was intended to extend the STB's authority only to railroad operations, not to the operation of facilities located by rail services or to businesses which have a connection to a rail company. Unfortunately, confusion about Congressional intent behind the ICCTA has been exploited by some companies to override State and Federal environmental regulations for the sake of profit and have put both the environment and the public health at risk.

It is through a gross misinterpretation of ICCTA that the STB allows companies to seek Federal preemption of a host of environmental and public health laws by simply locating their facilities on railroad property. One of the more egregious examples of this abuse is the building of solid waste facilities along rail lines. In the State of New Jersey, the STB has allowed nine railroad transfer facilities to operate under the supposed Federal preemption supposedly authorized through the ICCTA—at least one of which handles toxic waste.

Many of these facilities are little more than trash heaps which do not have to comply with either State or Federal solid waste regulations. This is unacceptable. We have spent the last decade working to clean up the damage that has been caused by improper waste disposal, and continuing to allow companies to exploit the ICCTA is a step backwards in the progress we have made in regulating this industry. Mr. PALLONE and Mr. MURPHY's amendment would take a crucial step towards correcting this problem and I urge my colleagues to support it.

Mr. RAHALL. Mr. Chairman, it has been over a decade since Congress passed the Interstate Commerce Clause Termination Act.

While I have the deepest respect for my colleague from New Jersey who sponsored this amendment, I feel his amendment is overly broad and violates the letter and spirit of the ICCTA.

According to the Gentleman from New Jersey's amendment, any State and local agency can regulate railroad-owned, solid waste rail transfer facilities.

Father, forgive them; for they know not what they do.

Adoption of this amendment would mean that if a railroad were to try and establish a solid waste transload facility, local government authorities would have very few checks on their ability to regulate this industry.

There are no jurisdictional requirements in this amendment, no limit to the number of authorities which could mount challenges. It would begin to dismantle, piece by piece, the federal preemption that is integral to our national rail system.

Many of the individuals supporting this amendment today will tell you how states are unable to protect their citizens under the current guidelines set forth by the Surface Transportation Board.

What you may not hear, is that a State can protect the health and safety of their citizens.

Should companies violate the laws and regulations governing health and safety problems, a state can use its police power, take the offending railroad to court, or petition the Surface Transportation Board to halt the railroads operations.

New Jersey was able to shut down three waste transload facilities earlier this year, because the facility violated the fire safety laws.

These transportation facilities were not created through judicial fiat, they are defined in the very legislation we crafted a decade ago. They were addressed wholesale because we knew that to grant certain commodities preemption, and deny it to others, would create a daunting patchwork of regulation.

This amendment, as well intentioned as it may be, begins the path down that slippery slope. What's next? Will a state's department of environmental protection decide that it doesn't like the transportation of coal, or liquid natural gas, because of the pollution it may cause?

Mr. Chairman, I urge the defeat of this poorly crafted amendment,

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. ROHRABACHER

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–371.

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROHRABACHER:

Page 12, line 16, insert the following new paragraph before the close quotation mark:

''(5) There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2011 such sums as may be necessary to design and develop a pilot electric cargo conveyor system for the transportation of containers from ports to depots outside of urban areas.''.

The CHAIRMAN. Pursuant to House Resolution 724, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, the amendment I am offering on behalf of myself and my colleague from California (Ms. RICHARDSON) provides authorization for the rails of the next generation. As this Congress looks at ways to curb pollution, new technologies such as electric conveyor systems are key in reducing our impact on the environment, while getting the job done more efficiently, thus promoting the economic prosperity and, of course, the well-being of the American people.

Currently, logjams occur as offloaded freight is bottlenecked at our ports waiting for trucks to take containers to interior rail and trucking hubs. Electric conveyor systems, on a set rail, can streamline this process, reducing costs to the American consumer as well as eliminating pollution that would otherwise come from these container hauling trucks.

It is also an issue of safety. American ports are found in coastal metropolitan areas. As the Minnesota bridge disaster reminds us, it is fitting that we look at the safety of our current infrastructure. But we should also look towards the future and the systems that will be in place in the years ahead. Electric conveyor systems have already proven to be extremely safe and efficient, but we would be remiss if we do not offer these systems the same funds for safety that we offer our current rail lines, and that is what this amendment seeks to accomplish. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition, though I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I yield myself 2¾ minutes.

This is a proposal that really does have a thousand fathers. The distinguished gentleman from California (Mr. ROHRABACHER) is an advocate for this initiative; I believe the Governor of his State is an advocate for it, as the mayor of Los Angeles is an advocate for it. I know the City of San Diego and their planning organization are for this kind of initiative, the Department of Transportation, the Federal Railroad Administration, the Port of Los Angeles-Long Beach is an advocate for this. And I am an advocate for it. And I think that in this initiative we have found the ideal solution to intermodalism, to movement of goods, reduction of noise, of pollution, of accidents, of intersection of goods, people, and vehicles by adopting the maglev technology. This was an idea that I advocated well in advance of ISTEA in 1991. We got first funding in the ISTEA legislation for study of maglev technology. And then in TEA–21, under then Chairman Shuster, advocating experimental projects. It took years of development, but finally General Atomics, under contract with the Department of Transportation, perfected the technology. And then it was the Port of Long Beach/Los Angeles that said we would like to move containers with it before you start moving people. The ideal solution. I wish I had thought of it myself. But it was the port that came to the idea, and then the gentleman from California working with the port authority and with the State embraced this idea.

This can be a very exciting, successful initiative. We have a paying customer, containers. And with a combination of some Federal grant funding and loans from the railroad infrastructure loan program to whatever the sponsoring authority may be, it can be a State, it can be a railroad, this project can be very successful. We can have one not only in California but in discussion with the Chair of the Rail Subcommittee, Ms. BROWN, the Port of Jacksonville would be interested in such an initiative.

So I just want to point out that while the gentleman advances the cause, it is not limited only to California. The language of the amendment says, authorized to be appropriated such funds as may be necessary to design and develop a pilot electric cargo conveyor system for the transportation of containers from ports to depots outside of urban areas. A brilliant solution.

I reserve the balance of my time.

Mr. ROHRABACHER. How much time do I have left?

The CHAIRMAN. The gentleman from California has 3 minutes remaining.

Mr. ROHRABACHER. I would yield myself 1 minute and I would just suggest that that is the kind of opposition that I like. I thank you very much.

The vision Mr. OBERSTAR has just laid out is exactly what we are trying to do. Mr. OBERSTAR, of course, is responsible for today, but he is also, by working together with us, we are trying to make sure that we are building a better tomorrow based on the technology of tomorrow that will overcome some of the problems of today.

And let us note for the record, this is probably the first legislative step toward the direction of fulfilling the vision that Mr. OBERSTAR just outlined for us of what the potential of this is. So if they go back in history and 5, 10 years from now we have an incredible working system that takes tens of thousands of trucks off the road and it helps our environment, we can look back to this vote and this floor discussion as the first step.

I appreciate that very much and look forward to working with you. I think this is the perfect bipartisan effort where all of us can come together of any project that I know of.

I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, as Mr. ROHRABACHER pointed out, this authorizes a program to install a pilot electric conveyer system for cargo. There have been several concepts developed for the Port of Los Angeles to move cargo using electric trucks, LNG trucks, automated shuttles, and even maglev. The general idea is, as Mr. ROHRABACHER has pointed out, to get rid of the diesel trucks and move the cargo to outlying areas for transload to trains or truck. This would cut air pollution and potentially cut the congestion that exists now in the Port of Los Angeles, and would certainly benefit all of the Nation as we develop these types of transportation ideas.

I support Mr. ROHRABACHER's goal of reducing congestion and pollution and urge support of the amendment.

Mr. OBERSTAR. How much time do I have remaining?

The CHAIRMAN. The gentleman has 2½ minutes remaining. The gentleman from California has 1 minute remaining.

Mr. OBERSTAR. I yield 1½ minutes to the distinguished Chair of our Subcommittee on Rail, Ms. BROWN.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I know that this is something that my friend Juanita Millender-McDonald supported and worked hard to realize.

Representing the Port of Jacksonville, I fully understand how important it is to efficiently and safely unload cargo and get it moving to its final destination. As business continues to grow at ports across America, it is becoming increasingly necessary to find alternatives to trucking this increased cargo through towns and communities. This pilot program is one option for transporting cargo outside major urban areas, and we need to seek other solutions.

Mr. Chairman, I know that you addressed this issue, but can you tell us a little bit more how this pilot program will work? Will it limit itself to people in California, or would people in Jacksonville, all over the country, be able to participate in this pilot program?

Mr. OBERSTAR. If the gentlewoman would yield, the language is very broad. It says: Such sums as may be necessary to design and develop a pilot electric conveyor system. But I think that is not limited to one. That is broad enough language to be interpreted as to embrace more than one such project. It would be done by the Department of Transportation through the Federal Railroad Administration with appropriated funds. But also, the applicant has the authority under existing law in the SAFETEA-LU bill to apply for some of the $35 billion in railroad infrastructure loan funding.

Ms. CORRINE BROWN of Florida. I thank the chairman.

Mr. ROHRABACHER. I yield myself the balance of my time.

Again, I would like to thank Chairman OBERSTAR for his support and partnership in this. I would hope that we start with a demonstration at the Port of Los Angeles/Long Beach, whereas it would take tens of thousands of trucks off the road just there, but something that would be a model for the rest of the country.

And let me also suggest that, as we have discussed, this is a project that could well pay for itself and be done with having people who are using the system pay back what the cost of the system is. So it is something that we can work on and mold together in a way that will really serve the environment and make our country more efficient.

Let me note that Juanita Millender-McDonald, who was the Representative from Long Beach as well as myself, was a great supporter of this concept. We talked many times on this. Maybe we will name it after her in her memory. We miss her today. But Ms. RICHARDSON who took her place is very supportive of this as well, so we are working on this as a team. I deeply appreciate this positive spirit on both sides of the aisle, and ask my colleagues to support this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of the time.

Earlier, I said this project has a thousand fathers. I should have said a thousand parents, because there are mothers and fathers in the presence of the gentlewoman from Florida and the gentlewoman from California, the newest member of our committee, Ms. RICHARDSON.

And I love the gentleman's enthusiasm. Mr. ROHRABACHER has from the time we began discussing this project been a very vigorous and knowledgeable supporter of the project. He has

also worked to bring local interests in to work with the Governor of California. I think with this enthusiasm and with this broad bipartisan and bicoastal interest, the Pacific Coast and the Atlantic Coast, that we will see something happen. There is going to be a project resulting from this when we get this legislation enacted.

Mr. Chairman, I yield back the balance of my time and ask for support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. POMEROY, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes, pursuant to House Resolution 724, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1730

MOTION TO RECOMMIT OFFERED BY MR. SALI

Mr. SALI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SALI. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sali of Idaho moves to recommit the bill H.R. 2095 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendments:

Strike ''Federal Railroad Safety Administration'' each place it appears and insert ''Federal Railroad Administration''.

Page 80, after line 7, insert the following new section (and amend the table of contents accordingly):

SEC. 617. FUNDING LIMITATION.

None of the funds made available pursuant to this Act or the amendments made by this Act may be used to change the name of the Federal Railroad Administration established under section 103 of title 49, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. SALI) is recognized for 5 minutes in support of his motion.

Mr. SALI. Mr. Speaker, Congress has a spending problem. The budget passed earlier this year anticipates spending $2.9 trillion over the next 12 months. That is more money than the total value of all goods and services produced in Germany at $2.87 trillion, China at $2.52 trillion, or the United Kingdom at $2.34 trillion.

This spending problem is further evidenced by a whopping $9 trillion national debt, a debt that can only be addressed by drastic change. Those changes will only come as Congress prioritizes and makes tough decisions, funding priorities and cutting wasteful spending.

Safety is an important issue. No one argues that point. But spending taxpayer money to rename a 40-year-old agency is just plain ridiculous, and yet, that is one of the things that this bill proposes to do.

The Federal Railroad Administration was created in 1966. Today's bill proposes to change the name of the agency to insert the word ''safety'' renaming it the Federal Railroad Safety Administration. While this sounds innocuous enough, it raises some very practical considerations for spending the American taxpayers' money.

The Federal Railroad Administration has 837 employees. Printing new business cards for everyone to reflect their new agency, at a cost of $30 per person, will cost taxpayers more than $25,000.

Consider also that the agency has eight regional offices across the country, all of which will require new signs to reflect the new agency name. Again, this raises questions: How much taxpayer money will the agency spend for these new signs?

How much taxpayer money will the agency spend to print new letterhead to reflect this name change, an agency that spent nearly $200,000 in printing costs last year?

How much taxpayer money will the agency spend issuing new regulations that reflect this new name?

Mr. Speaker, the bottom line is this. While all of these expenses are relatively modest in light of the $1.11 billion proposed to be authorized by this bill over 4 years, this kind of spending is unnecessary and, frankly, ridiculous.

If the point of this bill is safety, then why not spend the money on safety? Don't spend the hard-earned money of American families and individuals just to rename an agency. That type of spending is an out and out waste of taxpayer money.

Yes, Congress has a spending problem. The only way Congress will cure that problem is to prioritize, make tough decisions and learn, like everyone else, how to live within a budget.

Let us spend money on the priorities that serve the American people best. Let us save this kind of name-changing, sign-adjusting business until a day that we have extra money and no deficit.

I urge my colleagues to vote against needless spending, and please join me in voting for this motion to recommit.

I yield back the remainder of my time.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to this rather frivolous amendment.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. The only thing I can say for it is that I wish the gentleman had been here in 1995 when the Republican majority forced upon National Airport and the Washington Metropolitan Area Government Authority, Airport Authority, the changing of the name to Ronald Reagan Washington National Airport. And they did so, I say to the gentleman from Idaho, with their finger in the nose of the authorities, saying either you make the changes and you spend the money or we'll take your money away from you. And they said it right here on this floor.

What was the purpose of changing the name of that airport? No useful benefit.

We are creating a new safety emphasis for the Federal Railroad Administration.

In 1996, this committee and this Congress created a Motor Carrier Safety Administration. I didn't hear anybody jump up on the floor and say, Oh, my God, it's going to cost money to change the stationery of the agency.

Baloney. It doesn't cost any money at all. You just use up the existing stationery you have and print new ones. It doesn't cost you any new money. This is bogus. I have no idea where people get such ideas as this.

But when it comes to some priority that some people on the other side of the aisle had in previous Congresses, they shove it down the throat of the Washington Metropolitan Airport Authority and say, You will change the name on all the facilities. You will change, they said to the National Park Service, signs leading to the airport, and you will do it at your expense, at the Federal Government expense.

Here it's going to be a change of stationery. You run out of the existing stationery they have and print new ones that says ''safety'' on it.

Maybe he's getting at something more sinister. Maybe the gentleman doesn't want ''safety'' to be in the title of this agency. Maybe the gentleman doesn't want, and anyone who votes for such an amendment, doesn't want ''safety'' to be in the name of the agency that regulates safety in the public interest.

Vote against this amendment. This is nonsense.

I yield back.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 198, nays 222, not voting 11, as follows:

[Roll No. 979]

YEAS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
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
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—222

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gilchrest
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)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—11

Ackerman
Carson
Conyers
Granger
Jindal
Johnson, E. B.
Matsui
McMorris Rodgers
Meek (FL)
Tancredo
Wilson (OH)

□ 1803

Messrs. FILNER, BERMAN, CARDOZA, KAGEN, CARNEY, DAVIS of Illinois, MARIO DIAZ-BALART of Florida, and ENGEL, and Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, and Ms. HOOLEY changed their vote from ''yea'' to ''nay.''

Messrs. TOM DAVIS of Virginia, UDALL of Colorado, TIBERI, and MACK, and Ms. GIFFORDS changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 377, nays 38, not voting 16, as follows:

[Roll No. 980]

YEAS—377

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall

Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
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
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—38

Barton (TX)
Blackburn
Broun (GA)
Burton (IN)
Buyer
Campbell (CA)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Herger
Jordan
King (IA)
Kingston
Lamborn
Linder
Marchant
McHenry
Musgrave
Myrick
Paul
Pence
Pitts
Price (GA)
Sali
Sensenbrenner
Sessions
Shadegg
Wamp

NOT VOTING—16

Ackerman
Berman
Carson
Conyers
Gordon
Granger
Jindal
Johnson, E. B.
Lowey
Matsui
Meek (FL)
Pryce (OH)
Serrano
Smith (WA)
Tancredo
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1810

Mr. ROYCE changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, unfortunately, I was unable to be present for the rollcall votes on H.R. 2095, the Federal Railroad Safety Improvement Act and the Republican motion to recommit. Had I been present, I would have voted "yea" on H.R. 2095 and "nay" on the motion to recommit.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2095, FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2095, the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

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

There was no objection.

□ 1815

RECOGNIZING COMMUNITY CHRISTIAN ACADEMY

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

Mr. DAVIS of Kentucky. Madam Speaker, I rise this evening to recognize the achievements of Community Christian Academy in Independence, Kentucky.

Founded in 1983 by the Community Pentecostal Church, the academy was born out of a strong desire to provide a first-rate education rooted in the fundamentals of Christianity. What began as a small school has grown into one of the most respected private schools in northern Kentucky.

The academy offers curriculum from kindergarten through high school. Recent years have seen the school and its facilities grow by leaps and bounds, becoming a fixture in the community. CCA is accredited through the International Christian Accrediting Association and the Non-Public School Commission of Kentucky.

The academy is known for its family-oriented atmosphere that emphasizes the participation of the entire family in the education of their 200 students.

Recently, CCA was recognized by Cincinnati Magazine as one of the best private high schools in the greater Cincinnati area. This achievement would not be possible without the support of an outstanding staff and faculty, guided by Principal Tara Bates.

I am pleased to recognize the achievements of students, parents and educators at the Community Christian Academy. For over 20 years, CCA has produced highly educated students in God's image. Tonight, I would ask my colleagues to join me in recognizing their commitment to excellence in education, dedication to their students and to thank them for their contributions to our community.

HONORING STAFF SERGEANT LILLIAN CLAMENS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today in honor of Staff Sergeant Lillian Clamens, who was killed in Iraq on October 10, 2 days before she was scheduled to come home, when insurgents launched a rocket attack on her unit. I want to extend my deepest condolences to her husband, Raymond, her three children, Victoria, Alana, and Ayinde, her parents and all of her family and friends.

Staff Sergeant Clamens was a true American patriot devoted to her family and her country. She served in the Army Reserve for more than 15 years and was assigned to the 1st Postal Platoon, 834th Adjutant General Company, in Miami. Prior to her deployment, she worked as an administrative clerk at the U.S. Southern Command in Doral.

She exemplified the best our Nation has to offer: a loving mother of three children, a devoted wife, and a soldier selflessly committed to serving our country.

Madam Speaker, her life will continue to inspire all those who knew her and many who frankly did not know her. The United States and our world is a far better place because of her service. The best way to honor her is to replicate her devotion to her country and her family.

She gave the ultimate sacrifice to help defend our freedoms and advance liberty for so many others. She was a true American hero whose dedication to freedom and family, Madam Speaker, made a difference in this world. I join all Americans in expressing my deepest sympathies to the family and friends of Staff Sergeant Lillian Clamens. Her commitment to, and sacrifice for, our great Nation will never be forgotten. She has the deepest gratitude and devotion of our Nation.

GITMO VS. FEDERAL PRISON

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

Mr. POE. Madam Speaker, we hear much hype about how bad GITMO prison is. That's where we keep prisoners of war, those terrorists that have been captured on the battlefield that have tried to kill Americans. The uninformed have compared the place to a gulag and a dungeon. I have been there and the place is neither.

Be that as it may, some POWs are treated better there than our Border Agents Ramos and Compean, who were sent to Federal prison for shooting a

border drug smuggler. This is the case where our government let a drug dealer go free and put border protectors in prison for 11 and 12 years.

Most POWs at GITMO are not in solitary confinement. But the border agents have been in solitary confinement for most of their sentences. The POWs get 9 hours a day of exercise, including soccer. The border agents spend 23 hours a day in their cells. The POWs watch Arabic TV. The border agents watch no TV. The POWs receive the same medical treatment as the United States military, but one border agent was assaulted in prison and didn't see a doctor for 5 days.

Madam Speaker, only in America do we treat terrorists and POWs better in GITMO than we do border agents who went to prison for protecting the border.

And that's just the way it is.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. CLARKE). 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.

CLEAN, SUSTAINABLE, RENEWABLE FUEL PRODUCED IN AMERICA BY AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from South Dakota (Ms. HERSETH SANDLIN) is recognized for 5 minutes.

Ms. HERSETH SANDLIN. Madam Speaker, I rise today to talk about energy, about where this Nation's energy should come from, and what form it should take. In my view, the answer is clear. Our energy should come from America, produced in America, by Americans, with the profits staying here at home. It should be clean, sustainable and renewable. These should be the overriding considerations for the energy policy that we are seeking to implement in this Congress. If we accept these criteria, and I think the American people already have, then an important part of the solution becomes clear. We must greatly increase our capacity to produce, distribute and utilize biofuels.

Just yesterday, the price of a barrel of oil hit yet another all-time high, more than $88 per barrel. A few years ago, this development would have been shocking. Yet no one was surprised by the news. We have become accustomed to oil prices shattering records every few weeks, and $100 oil seems to be a virtual certainty in the near future. Even without all the other problems, geopolitical, environmental, supply, that flow from our addiction to oil, its price volatility alone dictates that we must move in a bold new direction.

Yet since peaking at $3.20 a gallon in late May, gas prices at the pump have declined to an average of about $2.76 a gallon nationwide for regular unleaded. What accounts for this? A significant factor in bringing retail gas prices down for American families is ethanol. According to an article earlier this week in CNN.com, ''Gasoline prices have been held down in part by rising supplies of ethanol, which has been coming down in price in recent weeks. Ethanol production jumped 34 percent to 13.1 million barrels a month in July, the latest month for which data is available, from July 2006.''

Even the Wall Street Journal, whose editorial board arguably has been biased against and relentless in its disparagement of ethanol, stated in a September 21 article that despite recent record-high petroleum prices, there is ''another reason for steady gasoline prices: the use of ethanol as an additive to gasoline is on the rise. While crude prices have soared, ethanol prices have dropped as much as 30 percent in recent months. Ethanol costs more than 60 cents a gallon less than gasoline, and gasoline suppliers can offset some of the rise in crude-oil prices by blending their gasoline with small amounts of the cheaper fuel.''

The facts are clear: Ethanol is cleaner and less polluting than gasoline. It is grown right here at home with the benefits flowing to rural communities rather than foreign governments who may or may not be friendly. It is renewable and it is sustainable. Finally, it is cheaper than gasoline and helping to keep costs down at the pump for American consumers.

Yet, despite its obvious benefits, since corn farmers started producing this product 30 years ago, opponents of the industry, primarily Big Oil and its mouthpieces, have never stopped trying to undermine it. For many years, ''energy balance'' was the opponents' rallying cry. They claimed that ethanol took more units of energy to make than it yielded when it was burned. If that was ever true, it hasn't been the case in at least the last decade, and countless reputable studies have confirmed that fact. With remarkable increases in corn yields and ethanol efficiency in recent years, there is no question that there is a tremendous net energy gain in the production of corn-based ethanol. Yet even the most biased naysayer can no longer make that argument with a straight face, and that red herring seems finally to be dead.

Industry opponents now have a new angle of attack, and we are again being told that the sky is about to fall. The new argument? Americans will go hungry because demand for corn is rising. While we are using more corn for energy than we ever have before and demand for that product has risen, we have seen only modest increases in food prices, and those are attributable to many factors. Just yesterday, Acting Agriculture Secretary Chuck Connor indicated he expects food prices to increase next year at a moderate rate, in line with where they have been in recent years. Because increases in food costs in the country have been well below the rate of inflation for many years, this bodes well for consumers. He also explained that there were many significant factors affecting the cost of food today, including disappointing wheat yields around the world and high energy costs.

Finally, as the farmers in my State have repeatedly told me, there is one truism about American agriculture: The cure for high prices is high prices. In other words, when the value of a certain commodity goes up, farmers will rush to produce more of it. And this year has been as clear a demonstration of that as we have ever had in agriculture. Futures prices for corn were high this spring, and farmers took that into consideration when making their planting decisions. According to just-released USDA estimates, corn production for this year is forecast at 13.3 billion bushels, 26 percent above 2006. When it's in the bin, the 2007 corn crop would be the largest on record, with more acres harvested than any year since 1933.

These facts clearly indicate that American farmers have the ability to produce enough corn to meet the needs of U.S. consumers, for both food and energy. This is a winning formula for consumers, for agriculture and the environment and will propel us toward our ultimate goal: Producing clean, sustainable, renewable fuel in America, by Americans, with the profits staying here at home.

UNJUST PROSECUTION AND HARSH TREATMENT OF RAMOS AND COMPEAN

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. Madam Speaker, today is day 274 of incarceration for two former U.S. Border Patrol agents. Agents Ramos and Compean were convicted in March of 2006 for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas.

Two decorated Border Patrol agents with exemplary records, who were doing their duty to protect the American people from an illegal American drug smuggler, are serving 11 and 12 years in prison.

Since the agents' convictions, thousands of American citizens and dozens of Members of Congress have called for justice for these two border agents. You just heard the Congressman from Texas (Mr. POE) speak about this issue in a 1-minute speech. These two decorated agents were doing their duty to enforce the law and did not deserve to spend 1 day in prison.

While these two men appeal their convictions, they continue to languish in solitary confinement. Nine months of solitary confinement is unacceptable. The Bureau of Prisons has violated its own guidelines which state

that administrative detention is intended to be used for ''short periods not to exceed 90 days.''

Although former law enforcement officers face increased safety risks in prison, the harmful effects of prolonged solitary confinement are well-documented. Solitary confinement is not an acceptable long-term solution for ensuring their physical safety.

This week, I was pleased to join my friend, Congressman ROHRABACHER, and many other of my friends, including Congressman POE, in signing a letter to Mr. Michael Mukasey. This letter asked that, upon confirmation, the new Attorney General will thoroughly examine the flaws of this prosecution and will put an end to the harsh treatment these agents are receiving in prison. A directive from the Director of the Bureau of Prisons or the Attorney General can correct this unfair treatment.

Madam Speaker, with an unbiased review by the incoming Attorney General, I am hopeful that this gross miscarriage of justice will be corrected.

I say in closing, Madam Speaker, to the families of Mr. Ramos and Mr. Compean, please know that there are many of us in the United States Congress, the House and the Senate, that are trying to do what is right for your loved ones. This is an injustice that should not be allowed to continue. We need to bring justice to this injustice for these two men.

May God continue to bless America and our men and women in uniform.

□ 1830

THE VALUE OF THE JUSTICE SYSTEM IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Madam Speaker, according to today's Baltimore Sun, there have been 240 homicides in my hometown of Baltimore City, 22 more deaths than this time last year. Unfortunately, many of these victims and their families will not have closure because of the inability of law enforcement to bring their killers to justice. This is due in large part to the fear that witnesses have in coming forward.

Witness intimidation is a serious threat to our justice system. According to the National Institute of Justice, 51 percent of prosecutors in large jurisdictions find witness intimidation to be a major problem. In Baltimore City, it is estimated that witness intimidation occurs in 90 percent of the cases that are prosecuted.

Madam Speaker, protecting witnesses is a core government function. It is standard in the Federal system, and State and local prosecutors should have the same tools. However, there is a great disparity between funding and witness services, if any, that are provided by local authorities and those of the Federal Witness Security Program within the United States Marshals Service that operates on a $40 million budget to assist 17,500 witnesses and their family members with gaining new lives, new identities, and new jobs.

The Milwaukee Journal Sentinel recently reported on the problems associated with inadequate witness protection programs. Maurice Pulley was shot to death in front of his home, the apparent victim of retaliation for agreeing to cooperate with authorities. Just three days prior to his death, Mr. Pulley had agreed to testify as a witnesses against Calvin Glover for shooting him on June 30; however, law enforcement was not able to offer him assistance because the witness program in the county was essentially terminated due to budget cuts. The sheriff even admitted to occasionally relying on private funding to relocate witnesses.

Madam Speaker, the same week, the Denver Post told a story of Javad Marshall-Fields and his fiancee, who were gunned down just days before he was scheduled to testify against Robert Ray. In 2004, Robert Ray shot and killed one person and wounded two others, including Javad Marshall-Fields.

A program to protect State witnesses has been in existence in Colorado for over 12 years; however, the budget was recently cut from $100,000 to $50,000. Unfortunately, it now allows for a little more than a bus ticket or security deposit for a new apartment.

To make matters worse, it appears that no one told Javad that this program even existed, even though prosecutors filed a motion to keep his address and those of five other witnesses secret due to their fear of retribution. Why was Javad not notified of the program? His mom was told that it was because he did not ask.

Madam Speaker, as I always say, there is nothing worse than a person not knowing what they don't know. This is why I recently teamed up with Baltimore City's State's Attorney Patricia Jessamy to film a public service announcement encouraging people in the communities to come forward if they have witnessed a crime, or if they have already come forward and feel they may need protection.

Additionally, I have introduced H.R. 933, the Witness Security and Protection Act of 2007, that authorizes $270 million over the next 3 years to enable State and local prosecutors who demonstrate a need for funds to protect witnesses in cases involving gangs or other violence to establish short-term witness protection programs. This legislation will assist in correcting the inequity that exists between the Federal and State level. I call upon my colleagues to support its enactment.

Improving protection for State and local witnesses will move us one step closer to alleviating the fears and threats to prospective witnesses and help safeguard our communities from violence. It is time that we show our commitment to our constituents and the justice system, because without witnesses, there can be no justice.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING STAFF SERGEANT ERIC DUCKWORTH, UNITED STATES ARMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, in America's first war, fighting for freedom it was said by Patrick Henry, the great orator, ''The battle, sir, is not to the strong alone; it is to the vigilant, the active and to the brave.'' We are fortunate that those words still ring true today and that American soldiers overseas carry those values into battle.

One such warrior was Staff Sergeant Eric Duckworth. Army Staff Sergeant Eric Duckworth was killed in the line of duty in Iraq just a few days ago, on October 10, when he was leading a convoy and his vehicle was hit by an IED, an improvised explosive device, on the side of the road.

Madam Speaker, Sergeant Duckworth was 26 years of age and on his second tour in Iraq. He graduated from Clear Lake High School in Houston, Texas, in 1999, and while in high school, he wanted to participate in the military, so he joined the Reserve Officers Training Corps, the ROTC. Of course, as soon as he graduated from high school, he joined the United States Army.

His parents, Michael and Barbara Duckworth, of The Woodlands, Texas, say that for as long as they can remember, their son Eric wanted to serve his country in public service both in law enforcement and in the military. His father, Michael, described him as an outgoing and good-humored son. He further said, ''Eric was full of love and laughter and a Godly spirit, but, above all, he was a true soldier and a proud warrior.''

When I talked to Michael about his son Eric, he told me that Eric's only two wishes were that he serve in the military and that he also serve in law enforcement. Those wishes were granted when he was a military police officer and also a member of the United States Army.

Sergeant Duckworth was also a husband and a father. He is survived by his wife of 5 years, Sonya, and they have three children: Kaylynn, age 10; Madison, age 4; and young Michael, age 1. Eric's mom, Barbara, would send what I call ''care packages'' overseas to her son Eric, and what she included in those packages tells us a lot about Eric

and his personality. He received beef jerky, bubble gum, NASCAR magazines, and Dallas Cowboy T-shirts.

Eric said that the Iraqi people were grateful to Americans for their sacrifice in Iraq. Sergeant Duckworth also said it was his destiny and his belief that he should be an American soldier. He shared that belief with his mother in their last conversation they had together before he was killed in Iraq.

Madam Speaker, Eric's father spoke of his pride in his son's firm belief and dedication to the mission in Iraq. Eric's father, Michael, said Eric believed in his purpose, and his children, his nieces, his nephews will all grow up in a better world because of Eric's dedication to America.

So not only Eric, but the whole Duckworth family felt it was important that Staff Sergeant Eric Duckworth serve in the United States Army overseas. Sergeant Duckworth's service to his family and the Army and this country will always be remembered. Of course he is one of those few proud American heroes.

Madam Speaker, this is a photograph of Staff Sergeant Eric Duckworth. He was a real person that lived and died for the rest of us. His service reminds me of the lyrics to a song written by Toby Keith that is titled, ''The American Soldier.'' Part of those lyrics say, ''I will always do my duty, no matter what the price. I have counted up the cost, but I know the sacrifice. I don't want to die, but if dying is asked of me, I will bare that cross with honor, because freedom doesn't come free. I'm an American soldier, an American soldier.''

Staff Sergeant Duckworth, America appreciates your sacrifice on the alter of freedom for the rest of us, and we also appreciate the sacrifice of the entire Duckworth family down in Houston, Texas. We are sympathetic and grieve with this family, but are proud of their son who served in the United States Army.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes.

(Mr. WYNN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TAKING CARE OF AMERICA'S VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, tonight I would like to discuss briefly another case of one of our very valiant soldiers who has returned to Ohio and numbers himself among the walking wounded.

My question to the President of the United States, my question to Members of this Congress, is what is wrong with the government of this country when we cannot move the bill we passed in this House that increased veterans spending by 18 percent, get it through the other body and to the President of the United States to sign? What is wrong with the way we govern that the President of the United States cannot call the leader of the other body and say, ''Move the bill so we can take care of the over 100,000 wounded that are coming home to us''?

The soldier I would like to talk about is only one of many that I met last Sunday who returned home from Iraq and is not being treated. This is a soldier who saw duty as a member of the 983rd Army Engineering Battalion, Combat, Heavy Duty, in Iraq, saw conflict, came home wounded, and is not getting treatment.

Here is what happened. There was an accident involving a truck and IEDs over there in Iraq and this particular soldier had a severe spinal cord injury and injuries to his head. In addition to that, since returning home, has had grand mal seizures, epileptic seizures. He never had that before he went to Iraq.

The military said, ''There is something wrong with him. We will give him a 60 percent disability. But we won't give him 100 percent disability, because maybe he got those injuries from playing football in high school.'' Football in high school? He never had seizures until he went to Iraq and got injured.

So the military says, ''Well, we will try to fix your neck.'' He goes through an operation in a hospital several hours away. It is very difficult for him to return there, because he doesn't have regular employment at this time and he is dealing with PTSD on top of everything else.

Now, why doesn't the government of the United States make it easy for wounded veterans, and we are not talking about 25 million people, we are talking about somewhere between 100,000 and 150,000 Americans to get cared for closest to home? Why can't we do that? Why can't the President of the United States, he is Commander-in-Chief of our Armed Forces, and this Congress, work together in the national interest to take care of all the soldiers that are coming home to us wounded?

In that particular unit that I visited on Sunday, there are many, many, many, many servicemembers who have PTSD. Why are they being asked to go 2½ hours away from home, spend an entire day waiting in line at a hospital, and then maybe coming back home again and wasting a day when they don't get paid at work, if they have a job? Why can't we take care of them close to home? We are not talking about 25 million people. We are talking about a very discrete set of Americans who put their lives on the line for us, and yet we can't find a way to care for them?

I hope the President of the United States has somebody listening to this tonight, because as Commander-in-Chief, it would be very easy to call over to that other body and to move our Department of Veterans Affairs bill out of this Congress, up Pennsylvania Avenue, get it signed, and with dispatch get the Secretary of Defense and Secretary of Veterans Affairs and say, ''Work with the Congress. Work with the individuals who are here. Let's get these ill veterans to the care they need.''

Why do we make it so hard? Why do we put the burden on the veteran? I had one veteran come up to me and say, ''Congresswoman, my knee is all messed up. I had an accident over there. Why did the DOD discharge me before fixing my knee?'' Now he has got to take weeks and weeks off of work, which he is unwilling to do, to try and go get an operation at a hospital very far from where he lives, and he doesn't have a support system in place.

Why would we do that? Why would the DOD not find a way to take a valorous veteran who is part of a combat engineering battalion and take care of him? Why do we let him fall between the cracks between the DOD and the VA? It is our responsibilities and the President's responsibility to care for these veterans, and we had best get at it.

□ 1845

The SPEAKER pro tempore (Ms. CLARKE). Under a previous order of the House, the gentleman from Kentucky (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Kentucky addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

SUPPORT VETO OVERRIDE ON SCHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Ms. HIRONO) is recognized for 5 minutes.

Ms. HIRONO. Madam Speaker, I rise today to urge my colleagues to override the President's veto of the Children's Health Insurance Program reauthorization. The bill we sent him earlier this month would provide health

insurance for 10 million low-income children.

This includes continuing insurance for the 20,000 kids in my State of Hawaii already in the program, and reaching out to provide coverage for an additional 12,000 Hawaiian children currently eligible but not yet enrolled in the program.

I am disappointed that the President and many Members on the other side of the aisle have taken what can fairly be characterized as a stand against children. This is how much of the country views their position. Apparently even the President is aware that his veto was a bad decision because he now says that he wants to find a way to compromise with Congress. However, the CHIP reauthorization that the President vetoed was already a bipartisan compromise.

The original bill we passed in the House would have ensured health care for children of legal immigrants and other important provisions that the Senate saw fit to cut. So the version of the legislation that the President vetoed was in fact already a compromise bill.

It is not surprising that we have strong public support for a bill that reflects our American values. Forty-three Governors, Republican and Democratic Governors alike, share our belief that all children deserve access to health care. Senate Republicans who helped shape the legislation agree.

The Honolulu Star-Bulletin summed it up precisely in an editorial this month by declaring that the President's ''veto is indefensible.''

Therefore, I urge my colleagues not to defend the President's indefensible veto, but to instead join together in defense of the most vulnerable among us, our children.

This is not only the right thing to do, it is the fiscally responsible thing to do. The bill is fully paid for, and the cost of this preventive care will save substantial money over time as we keep children out of unnecessary and expensive emergency room visits.

I am also distressed but not surprised by the President's misinformation in defending his veto. He would like people to believe that our bill provides health coverage to families who don't need it, those who are making $83,000 for a family of four. This is simply not true. In fact, our bill does the opposite.

Our bill helps States reach out to enroll the poorest children most in need of health coverage and it decreases Federal contributions to States which cover families over 300 percent of the Federal poverty line.

What this veto comes down to is a question of values: Should every child in this country have health care? Does every child deserve a chance to grow up into a healthy adult? I think so, as do my constituents in Hawaii and indeed the majority of Americans.

Tomorrow's vote will reflect our values, and I urge my colleagues to stand with our children.

SCHIP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. WALZ) is recognized for 60 minutes as the designee of the majority leader.

Mr. WALZ of Minnesota. Madam Speaker, I thank my colleagues who are here tonight. As a new Member, I am joined by other new Members who have been in this body for 9 months. Tomorrow we have an opportunity to take an important and historic vote, the veto override on SCHIP.

It is a piece of legislation that many of us believe, as you just heard our colleague from Hawaii so clearly illustrate, is critically important to the health of our Nation's children.

We came here 9 months ago from the classroom, from the courtroom, from the board room, and from the operating room. And we are here tonight with a single purpose, to talk about the importance of this piece of legislation to clearly illustrate when this body makes a choice like we will make tomorrow, and the President talks about it being a budgetary issue, he is partially right. Budgets are financial documents, but they are also much more. They are a reflection of the values that we as a Nation share.

Tomorrow we will have the opportunity to show as a people that we value our children. We value their health. We value our future. The greatest asset we have is these children.

At my house this weekend was a very special occasion and one I felt very blessed to be able to attend. My son, Gus, celebrated his first birthday on Saturday. He was surrounded by grandparents, cousins, aunts, uncles and friends. A good time was had by all.

I came back to Washington and on Tuesday morning my wife said Gus was feeling a little bad, and she took him to see our doctor. Gus had an earache and he was put on some antibiotics and he was given a little bit of Motrin. He had one rough night, but was feeling better the next day.

The thought of this little guy going through any type of pain or suffering over something so treatable and so easy to take care of as an earache would be unimaginable to me. And yet, that is what happens to 9 million children across this country. That is what their parents go through.

The President has made it clear, those types of issues, and if Gus happened to be someone without health insurance, he would have suffered through an earache. Or maybe Gus would have a parent who couldn't suffer through it and would have taken him to the emergency room where it would cost far more.

So my colleagues and I are committed to making sure that no parent has to make the choice whether to take their child to get their care. That no parent has to have the gut-wrenching experience of deciding if they are going to pay bills, or if they are going to try to pay out of pocket to get their child covered.

This government and we as a people can do far better. Tonight, we are going to take you through the process of this legislation. We are going to take our colleagues through everything that is involved and the myths that have been perpetuated. This is something that is difficult for myself and my colleagues to deal with. We are going to hear from people like Dr. KAGEN, who has seen what happens if children cannot get health care or are suffering with asthma, and he will talk about the implications of what it takes to get a child covered.

I think each of my colleagues here tonight will put a face on this for you. My colleagues have an opportunity to cast a vote tomorrow to override the veto and provide this Nation's children with the health care they deserve. It is not a privilege for them, it is a right as an American citizen, and we are here to guarantee that. We are here to make an investment in our future and do the fiscally responsible thing.

This program is 10 years old now. It has been highly successful. No matter what the President said, it is clear, and people need to know this, this is a cap block grant program. This is State administered. This is private physicians and private insurance. Any words to the contrary is muddying the waters on this. We have seen this President try this before. He tried to sell this Nation on privatized Social Security, and this body said no. This President sold us, and many of us feel very strongly about this, sold us on the necessity to go to war in Iraq, and here we sit 5 years later understanding the implications of that.

We have an administration that is trying to sell this body a bill of goods. We are ready to override this veto tomorrow, and my colleagues here tonight are ready to illustrate to this body why they should cast their vote tomorrow in favor of overriding this veto.

It is a great pleasure to turn over to my good friend from neighboring Wisconsin and also one of the very few physicians in this body, someone who has worked on these issues his entire life who is dedicated to the treatment and making sure our children are healthy, and that is my good colleague, Dr. KAGEN from Wisconsin.

Mr. KAGEN. I thank my colleague, and I appreciate your kind words and your passion and your introductory remarks about SCHIP, which in Wisconsin is under the name of BadgerCare. BadgerCare cares for about 57,000 Wisconsinites today.

Would the President change his mind and sign the bill we passed, by enacting SCHIP in Wisconsin, we could sign up an additional 37,000 children and perhaps their young mothers as well. This is a bill that will determine what kind of Nation we are and which direction we are going to turn.

It will also answer the question whose side are we on. Are we on the

side of special interests, the big insurance companies, or are we on the side of ordinary people, hardworking families that simply don't have enough money to purchase private insurance.

Ninety percent of the people in the SCHIP program across the country earn less than $41,000 a year. And I submit if you are making $41,000 every year, you don't have $12,000 or $14,000 to pay for private health insurance. This is a necessary program that will determine the life and the health of our children, on whose future we all depend.

I yield to my colleague, BRUCE BRALEY from Iowa.

Mr. BRALEY of Iowa. That is an interesting point, because we have been hearing all week how some people with incomes as high as $85,000 will be covered. How does that square with the comment you just made that 90 percent of the people under the program are making less than $45,000?

Mr. KAGEN. I would say it is a smokescreen, like many of the attempts of this administration to cloud the issues and kick up some smoke, to confuse the American people.

The State of New York asked for a waiver to cover those people under $83,000 of income. They were refused under the SCHIP program; but that refusal became a fact. The fact is that we have never enacted legislation that covers people above $41,000. $63,000. I think $60,000 will be the number now. But, look, this is about kids. Let's put a human face on this before we go any further.

This is a young girl. She is 3 years of age. She is Kailee Meronek. She lives in a trailer home with her 3-month-old sister; her mother, Wendy; and her father, Scott, who is a stay-at-home dad. Her mother, Wendy, makes $2.33 an hour working in a restaurant, plus tips. They don't have the money to pay for insurance. They are covered by BadgerCare funded through SCHIP. This is the face of America. We cannot turn our backs on our Nation's children. They are our treasure.

Mr. WALZ of Minnesota. I thank the gentleman from Wisconsin, and I would like to talk a little bit about this.

This issue we are discussing is a program which has proven to be highly successful. It was put in to understand and address the issue that if you do not treat children with preventive medical care, you will treat them with chronic care down the road. Or you will treat them in a setting that is much more expensive, like in the emergency room.

This President is mischaracterizing what is going on here. The President is talking about some of the myths that he is putting out there to make this appear like this is some type of government-run health care program. Now I find it a bit ironic and a little bit disingenuous that there are Members who sit in this body tonight who would vote against SCHIP, yet receive government-paid-for health care coverage. These are children who do not have the choice.

President Bush, using the $83,000 level, is simply doing it, and these are not my words. Take a look at this. This was USA Today talking about what they call the $83,000 question. ''Bush's claim is misleading at best; simply wrong at worst. The House would do well to look past the President's deceptive rhetoric and override this veto.'' The President is misleading the public on exactly what this does.

This is not the way to have this debate. This Nation needs to have an open, honest debate. Do we value our children to the point that we are willing to invest in basic preventive health care? And it is a question that stretches from Minnesota to Iowa to Wisconsin and across to our good friend out in California. I am glad to be joined tonight by Mr. MCNERNEY who, coming from the most populous State, understands the issues that face this, and understands that when a program is administered in coordination with the State at a local level, that invests in preventive care, that is a very conservative notion, and it is one that this Nation would be well served to, as our friends at USA Today said, look past the rhetoric.

I yield to the gentleman from California.

Mr. MCNERNEY. I thank my friend from Minnesota.

Madam Speaker, the President turned his back on about 10 million American children that he could have protected. I am actually appalled by this decision to veto funding for children's health insurance, and his rejection of support from nearly every U.S. Governor and almost three-quarters of the American people.

The Children's Health Insurance Program is a good program. It is worthy and efficient. It costs less than $3.50 per day per child.

□ 1900

However, rather than protecting our children, this President put at risk nearly 45,000 of the children in my district and millions of children across the United States. As the cost of health care continues to rise, which it will, it's reckless to oppose a plan that covers our country's most needy children.

Let me tell you what I'm talking about in more personal terms. It's going to cost a family of four about $750 a month for health insurance. That's about $9,000 a year. If you're earning $45,000, you have a family of four, $9,000 is completely out of reach, and this follows on my good friend from Wisconsin.

You have to pay for gasoline, you have to pay for your car, for your transportation, about $1,000 to $2,000 for your mortgage. How on Earth are you going to be able to afford $9,000 a year for health insurance? You're going to be forced to take your children to the emergency rooms when their situations are critical.

So the Children's Health Insurance Program is very important. It's needed. Our children need to have that.

Mr. KAGEN. So let me review and see if I get this straight.

These funds come from the Federal Government in the grant form. It's capped in this expense. It goes to every State, and every State that we have in the Union fashions their own program, whether or not they choose to cover the mother of a child.

Listen, as a doctor, I have to tell you, in 30 years of practicing medicine, I have never seen a child in my examination room without the mother or a caregiver that was responsible for the children. So we, in Wisconsin, cover the parent, the mother, as well in order to increase the enrollment in this program.

This reauthorization of this SCHIP program, it's primary intent is not just to retain the 3.8 million children who are covered, but to expand it to all the children in the country who are already eligible and to expand it from 200 percent of Federal poverty level up to 300 percent.

So, if I understand the facts, the facts are these. It's a State-run private program. Poorest working families are the focus. It costs $3.50 a day per child to keep them covered, and we hope to cover 10.4, 10.8 million children across the country. So these are the facts as I understand them. Covers kids up to age 19; is that right?

And did you hear the same argument that I heard on this floor, that it might cover illegal aliens? Is that a fact?

Mr. WALZ of Minnesota. Well, no, absolutely. But I think it goes back to this about the open, honest discussion.

This Nation I think overwhelmingly, and we know that in each of our districts, whether it's California, Wisconsin, Iowa, Minnesota, no matter where we're at, we hear this, Madam Speaker.

I would like to just for a minute before I send this back over to my good friend from California, I think it's important to understand that all of us received a letter today, an impassioned letter, one that I feel very strongly illustrates where we're at. And this came from our colleagues over in the other Chamber, over in the Senate. It came from Senator BAUCUS, the Democrat from Montana. It came from Senator GRASSLEY, your Senator from Iowa. It came from Senator ROCKEFELLER in West Virginia, and it came from Senator HATCH out in Utah. And what they told us was this. They sent us this letter dated today as we get ready to cast this vote.

''Dear Colleague:

''As you prepare to cast your vote tomorrow on the Children's Health Insurance Program Reauthorization Act, those of us who took lead roles in writing the bill in the Senate would like to provide you with detailed information about the legislation. The material below responds directly to the great amount of misinformation that has been spread about this bill. We hope that you will take time to review these facts before you vote. The four of us

worked together on a bipartisan basis for most of this year to craft'' this piece of legislation ''that will do just what we all want to do: serve low-income children who currently lack health coverage. The following information separates fact from fiction.'' And let me read you their first line.

''Fiction: The compromise bill would expand coverage for children in families with incomes of up to $83,000 a year.

''Fact: The bill does not raise the eligibility level for CHIP. While the State of New York did ask the Department of Health and Human Services for approval to raise eligibility'' of the poverty level to 400 percent, ''the Secretary rejected New York's request.''

Many of us in here understand why New York City would ask to raise it in this case. It was not accepted, but the issue is the cost of living and the cost of delivery in New York City, but it was rejected. It never happened. It never went through.

The President of the United States restated a myth today with the purposeful intention of misleading, as this said, at best, wrong at worst, and I said, these are the types of things, we're here to have the discussion.

If this body and Members that were with us choose to cast their vote against overriding this veto, it should be based on factual knowledge. It should be based on the understanding of what this is going to do, and it should not be based on political rhetoric.

And with that, I turn it back over to my friend and colleague from Iowa.

Mr. BRALEY of Iowa. I don't understand, because you mentioned three key Republican sponsors of the SCHIP bill in the Senate, one my Senator and my constituent from Iowa, Senator CHARLES GRASSLEY.

And I'm looking at today's Congress Daily and there's a quote in here from TOM REYNOLDS, a Representative from New York, and he says, I want Republicans at the table and then I want to write a decent bill that will serve poor children first.

But it sounds to me like Republicans were at the table for months helping craft a bipartisan compromise bill that put the needs of poor children first. So I'm confused.

Mr. WALZ of Minnesota. And I would respond to that, and the thing that I think this Nation wants more than anything is, this is a body and there are Members, please don't get us wrong. There's a veto-proof majority with many Republican sponsors on the Senate side. We had 45 of our Republican colleagues in this body vote with this.

This was crafted in 1997 under President Clinton, Democratic President, and a Republican House and Senate. This is a good piece of legislation.

I might also add that 43 of the Nation's 50 Governors are supporting this wholeheartedly, the piece of legislation we came up with. Fifteen of those are Republicans, including my Republican Governor, Governor Pawlenty, who happens to chair the Governors' Conference in this country.

So this is a strong piece of legislation. Many of us I think are quite confused, as you're right. This is something that Republican authorship on this should be proud of, as Senator GRASSLEY and Senator HATCH have been, and I applaud them for their vision. I applaud them for reaching across to us to find a good piece of legislation, and I yield to my friend from Wisconsin.

Mr. KAGEN. But it isn't just Governors, both Democrat and Republican, that support children's health care. It isn't just the overwhelming majority of Senators. It isn't just the majority of Congresspeople. It's groups like Easter Seals, the March of Dimes, the American Medical Association, American Hospital Association, American Academy of Family Practice, American Academy of Pediatrics, and on and on we go.

Every organization that cares about people, including members of the faith community of all persuasions, is in back of this bill.

This bill makes sense. It's good for our children's health. It's good for our businesses. It just makes sense to invest in our children's future. To turn our back now at this point is morally unacceptable. It is morally unacceptable.

Mr. MCNERNEY. I just want to follow up on the bipartisanship here.

We passed this with a good margin here in the House. We got 265 votes, a clear bipartisan majority. They got 69 votes in the Senate, more than two-thirds. Our Governor in California, Arnold Schwarzenegger supports SCHIP. This is a significant achievement for us to work together to have us produce something that the majority of Americans want across the board, bipartisanship. They want us to cooperate. They want us to do good things for the country. Here, we produce something, we're proud and I'm proud of it, and the President chose to veto it.

So I think this shows that we can work together and that the President needs to come around to our way of seeing this. This is good for the children. Americans want it.

Mr. KAGEN. I don't want anyone in this Chamber or anyone in America to misunderstand the situation.

We present this bill. It's already a compromise. We passed a bill that cared not just for children but for our senior citizens on Medicare. Medicare beneficiaries, when we sent the bill to the Senate, would have gained what? At no additional co-pay, they would have preventive health care measures like mammograms, cancer screening, diabetic education coverage. But the Senate chopped off the health care additions for our senior citizens, said, no, this is a children's bill, and they sent us a bill that I felt was morally responsible.

This bill meets the needs of children. It's accepted by doctors, by insurance companies, by private hospitals. This bill is passable. This bill should not have been vetoed.

Mr. WALZ of Minnesota. I think it's critically important, Madam Speaker, to understand the President is framing this in simply a dollars and cents argument. He's saying that this goes beyond authoring $35 billion in terms of what the compromise piece of legislation that overwhelmingly, in a veto-proof majority in the Senate, has passed, a large number of our colleagues across the aisle, 45, to join us on this piece of legislation.

Dr. KAGEN so clearly pointed out everyone from AARP to the Children's Defense Fund, Easter Seals, March of Dimes, Cancer Society, across the board, American Nurses Association, pediatric physicians across the country agree that this is a good bill.

But let's say for a minute that that's not the case and let's say that it is strictly a fiscal thing, if the President can separate a budget into being strictly a fiscal document, not a moral document that affects this Nation's values. He is still undercutting massively what it's going to take.

We have watched this administration throughout the President's tenure continue to underestimate the need. We saw it in the Veterans Administration, where we saw the President say, well, I have two things that I think about the Veterans Administration. We are going to see fewer soldiers coming into the system, and health care is going to cost less.

Well, there's not a person in America that wouldn't take the bet the sun's not going to rise tomorrow before they would take that.

So, in the President's bill here, under the President's current piece of legislation, not only will we not add the 9 million American children who aren't covered, and I would like the President to go by and decide which one of those faces gets coverage and which one does not in this Nation. If he chooses to go with his piece of legislation, asking us to compromise, he is going to cut 840,000 children who are currently on the program off. We're not talking about even maintaining the program. We're talking about undercutting it. And under our bipartisan congressional bill, 3.8 million additional children will receive their coverage.

So you can see the difference here. When we have compromised, when Senator GRASSLEY, Senator HATCH, when 69 Senators on the Senate side and 265 Members of this body and over 70 percent of the American public say this is a good piece of legislation, we have done our compromising. It is now time for the President to decide that he is not the sole decider on this.

The American public has spoken on this, and it is time to do the right thing: cover our children, get them good preventative care, keep them out of the emergency rooms, keep them

healthy, keep them in school, keep them moving forward, and keep this Nation in a place where it should be.

With that, I yield to the gentleman from Iowa.

Mr. BRALEY of Iowa. I appreciate that and I thank the gentleman, and I think that the heading of the chart that you're standing next to summarizes what this really boils down to, because there's been a disconnect between what the President says about his commitment to children's health care and what his actions represent.

I'd like my colleagues who are here tonight to take a walk down memory lane with me, because many of us got our motivation to run for office as a result of the 2004 Presidential elections. And if you remember back with me to September 2, 2004, at the Republican National Convention, this is what our President George Bush said about his commitment to children's health care.

He said, America's children must also have a healthy start in life. In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible, but not signed up, for the government's health insurance programs, the very same programs we're talking about here tonight.

He begins again, We will not allow a lack of attention or information to stand between these children and the health care they need. That's what our President said as he stood on the brink of his second nomination.

Now, I want to take you back to what was one of the most memorable nights of my life, my first State of the Union address, which took place right in this Chamber, January 23, 2007. I sat in here with all of my new colleagues listening to the direction from our President on what he was going to do to lead us in a new direction on health care.

What did he say on this subject? When it comes to health care, government has an obligation to care for the elderly, the disabled and poor children. We will meet those responsibilities.

Well, his words don't mesh with his actions in vetoing this important legislation, and that is why it is important for us, on behalf of those children, America's kids, to stand up and speak out and say it's time to live up to the values that you have been talking about and deliver on the promises to insure America's uninsured children.

Mr. KAGEN. Well, I think you get it and I think the American people are beginning to understand that it takes officeholders with good judgment. People in Wisconsin have been writing to me and sending me postcards and e-mails, and I'll just quote from a constituent from Appleton, What is it with this country? Health care for the rich and those in government? The rest of us can just die or try and live with broken bones and illness.

I think the American people are beginning to understand whose side we're on and where we need to be going in this country. We cannot allow this veto to stand. It's morally unacceptable. It's bad for our business. It's bad for the health of our Nation.

We know from our studies that children, if they're healthy, well-nourished in the first 5 years of life, it sets them up for good health for years to come. We know that the developing human mind in the first 5 years is beginning to jell and form neuronic structures and connections that will help them all throughout their days.

We have to be kind to our youth and our seniors as well. Of course, I would like the original version of this bill, but things in this place aren't always the way we like them. We did compromise. This is a compromise bill. It's one that makes sense and is good for our health.

□ 1915

We often tell ourselves that America is the greatest country on the Earth and it is the greatest country in history. Now it is time for us to live up to that expectation and to that level of greatness and protect our children, our children from age 0 to 5, they are forming, their brains are forming and they are going to develop attitudes and health characteristics that follow them their entire lives. We need to protect the least among us, those that are least able to defend themselves and protect themselves. We need to make sure that we give them the start in life that allow them to achieve great things and continue to lead our country into greatness, defend our liberty, to defend our ideas. And we start that with good health at the youngest age.

I yield back to my friend from Iowa.

Mr. BRALEY of Iowa. I want to thank you. One of the things that we rarely talk about is the human faces that Congressman KAGEN was good enough to share with us from our district. And I want to share a personal experience from my own life, and I think it illustrates the importance of what we are talking about here today.

About 15 years ago when my wife and I had our three children, who were all young and in school, my wife and I got involved through our church in a mentoring program at a city center school in Waterloo, Iowa where we lived. As a result of that, I started mentoring a young fourth grade student named DeUndre, and then I got involved in Big Brothers, Big Sisters as an outreach of that program and spent a lot of time with him and his family.

When he was in sixth grade, DeUndre started complaining of pain in his abdominal area, and he ended up going to the hospital and they diagnosed him with acute large cell non-Hodgkin's lymphoma. They did surgery to remove the tumor, and then he spent about 6 weeks undergoing chemotherapy in the pediatric oncology unit at the University of Iowa Hospitals and Clinics in Iowa City. And I was faced with a choice, because he had nobody in his family who could go with him and be there when he was going through that ordeal. And I made a decision after speaking to my wife that it was going to be me who was there for him. And I spent that time watching young children with IV drips in their arms receiving chemotherapy, no hair, going in and out of each other's room, taking care of each other and helping each other get through a very difficult time in their lives, knowing full well that many of those kids were not going to live to see their 15th birthday.

And one of the things that I learned from that is that people like DeUndre, who depended on Medicaid to provide for their health care, were lucky because they had the resources to get a diagnosis and treatment that saved their lives. Many of the kids we are talking about in these 10 million uninsured children are in that window between those who qualify for Medicaid benefits and those covered by private pay plans. And that is why it is so critical that we perform the role that we are talking about so that those children aren't stuck without the opportunity to get early intervention, early diagnosis, and early treatment of life-threatening illnesses and diseases. It does make a difference in the lives of these kids, and that is why we are here tonight talking about this important issue.

I yield back to my friend from Minnesota.

Mr. WALZ of Minnesota. I appreciate the gentleman's passion on this. And I think it is really critical to point out, the gentleman was bringing to notion of how SCHIP works, and we already had addressed the issue of the $83,000 question that we know is just plain misleading.

I want to mention, in this idea of where this health care is going to come from, who is going to provide it; and I know that one of the issues that most affects families, they don't care what kind of insurance it is if they don't have it; they simply need to get it. And one of the issues here, and this again comes from Senators GRASSLEY and HATCH, the fiction of this, that Congress by doing this, the congressional bill is a step towards government-run health care.

This is our Republican leadership in the Senate listing the facts. SCHIP is a leader in combining public-private solutions to provide health care coverage to uninsured children. The CHIP Reauthorization Act encourages a mix of public and private solutions to cover children and limits the scope of the program to the low-income, uninsured children Congress meant to be covered.

So this idea of perpetuating these myths first and foremost doesn't get us at the heart of this. The bottom line on this is, this is a wonderful mix of trying to deliver in that gap area.

Now, when we are talking some of these numbers that we are throwing around, 300 percent of poverty and those types of numbers; right now for last year, this is a family at poverty level, $17,170. Now, I would like to see

how someone can make that budget work. I can guarantee you that this body could not do it. And then at 200 percent of poverty is then the $34,340 as you hear some of these numbers coming up. So the President's claim that this is pushing children into some type of government-sponsored health care is simply not the case.

And the last thing I would like to do on this is that children who already have insurance, this myth has been out there and this is listed here. The fiction is Congress would move children with private insurance into government-run health care. The President reiterated that myth today at his press conference. The fact, according to Senators GRASSLEY and HATCH is, according to independent Congressional Budget Office, and the one thing I would like to make very clear is the President is totally entitled to his opinion; he is not entitled to his facts. And the Congressional Budget Office, which is independent, clearly states, the Congressional Budget Office: The rate of substitution of public coverage for private coverage or what is called crowding out would be lower under the compromise bill than it is under current law.

So the fact is, not only is this not going to happen, it is going to get better under this piece of legislation because the coverage will be there. So this idea of these myths, and when you hear the story of a young man who is facing these type things or a family that is going to take those type of decisions, and the President trying to tell the American public, well, this is for rich people, 94 percent of people falling in that 200 percent or lower that are on that are children. The President is saying it is those with $83,000; it is government-sponsored socialized medicine. We dug that word back out of the seventies, apparently. Or, it is going to force people who have private health insurance to take it on the government dole. None of those things are true.

I yield to the gentleman from California.

Mr. MCNERNEY. I want to follow up on what my good friend and colleague from Iowa said about being in the children's hospital and looking at children suffering with devastating diseases. We can think of this as sad, but if we look at that with the great spirit and hope that these young children are showing, we can find true inspiration. We can find true appreciation for the human spirit. But, we cannot let them suffer alone. We must stand together. We must come together for these children and give them the help they need to overcome these devastating illnesses and bring the kind of future that they will bring to our country and to the future of the world.

With that, I would like to yield to my colleague from Wisconsin.

Mr. KAGEN. I think that we are beginning to air out some of the smoke that has been filling up this chamber and some of the misinformation coming from the bully pulpit down the street. But I don't think that message of confusion is confusing anyone like Wendy and her 3-month-old baby Cassidy. Cassidy, the 3-month-old baby that she is holding, she doesn't understand health care. She doesn't think about having insurance. She is looking for her next meal. She is hoping that she has got someone there to support her, to help her out, to help lift her up through her early years, I am sure. And Wendy is working hard at $2.33 an hour plus tips. She is working hard. She needs a little lift, a little help along the way.

But I know that people in Northeast Wisconsin, because I've asked them: Look, I'm working for you. I'm your hired hand. Here is your hard-earned tax money. Where do you want me to spend your money, here at home on your children to guarantee that they are healthy, that they can see their own doctor, their own physician in their doctor's office and not in the emergency room? Or, do you want your money to be spent overseas in the sands of Iraq?

I yield to Mr. WALZ who has some data on what it is costing us per day.

Mr. WALZ of Minnesota. What I would like to talk about first is, and I said the good news in this is, this is a defining moment tomorrow. This is a defining moment, Madam Speaker, and my colleagues in this House, of what this body does to represent the American people. And if my colleagues who are undecided as of now want to know where the American people are at, the latest poll just came out from CBS News. This is the largest one done to date on this, and here are the factors: Would you favor the Democratic version of expanding SCHIP? Eighty-one percent of people in this country, in Iowa, in California, Minnesota, in Wisconsin, in Florida, in Georgia, across this Nation, agree.

Now, here is the real kicker. This is the part I think for us to listen and to hear this. They look at that picture. They see that little baby, they see that mother. And this Nation's heart is where it is at. They know exactly what we need to do.

They even went so far as to ask them a tough question. Keep in mind, under this new House leadership over the last 9 months, we have to balance the budget. We have to go by PAYGO. It is no more paying and letting the children in the future pay for it. That is not happening on this. So under this piece of legislation, they even asked people in this poll: Would you be willing to pay more taxes to expand to this program? Seventy-four percent said yes. Seventy-four percent of the American public is willing to give their tax dollars to help fellow American children receive the health care that they know they so richly deserve. And the issue of that is, is this Nation knows it is morally right, it is fiscally right, and it invests in the future.

I said we know this is an issue that the American people, as Dr. KAGEN illustrated, the physicians are with it. The groups that care about this are with it. The majority of Members in the Senate are with us. The majority of the Members of the House are with it. And we have an opportunity here. We are about 12 hours away from being able to decide and override this veto and show that the system works.

Mr. BRALEY of Iowa. One of the things we have been talking about is what this program would do that the President vetoed. But what we really haven't spent a lot of time talking about is what the President originally proposed, and what that would mean for existing children who are covered by SCHIP and would lose their benefit if the President's plan had been put in place. And when President Bush originally proposed his SCHIP proposal, it provided a $5 billion increase over a 5-year period, which wouldn't even be enough to maintain the current enrollment of kids under SCHIP.

I would just like my friend from Minnesota to comment about what we really haven't been talking about, and that is where the President stands when it comes to taking care of our kids.

Mr. WALZ of Minnesota. Absolutely. And this issue again comes back to the basic core principles of budgeting. I would just like to refer to the chart here for a moment.

Whenever you make a budget and whenever we sit down in this body, we have to determine what our values are, what our priorities are, put them in order, and pay for them accordingly. The President has indicated that this is simply too expensive, that we cannot do it. Now, to keep in mind, I want to give an illustration here. The cost of a day in Iraq in the war is about $33 million. To get an idea, that is about a quarter of a million children we could cover. For 37 days, just over a month of what this war is costing us, and this number doesn't include, by the way, soldiers' salaries nor the health care costs that, it was estimated in a hearing I was at today, are going to cost us somewhere in the neighborhood of $9 billion a year, probably stretching, with the total cost coming from CBO and the Congressional Research Service, to $1.3 trillion over the next 15 years. We could cover all 10 million kids.

So we have got a decision to make in this country, where we are going to put our resources, where we are going to invest, where we are going to see the future on this. And this is a simple decision. When the President comes to this body and will demand, cajole, just about everything you can think of and tell us why he is going to need $200 billion, of course he told us 5 years ago that it was silly when General Shinseki mentioned that this might cost $100 billion. Of course, General Shinseki was let go. He didn't agree with that budgeting. Or, that we might actually have to take care of more veterans. That is why we ended up short for the last 3 years taking care of our veterans.

So the President is going to say this is a budgeting issue. This is the same gentleman that did what the previous 42 Presidents could not do. He got us into a trillion dollars in debt to foreign nations. It took him about 60 months to be able to do that while it took 218 years for our previous administrations. This is the one who took a massive surplus under the Clinton administration and turned it into a massive deficit.

So the President's credibility when it comes to fiscal matters is pretty much zero. This Nation, 81 percent by the latest numbers, and possibly more, are saying, invest in the children, invest in the health care. Do what is right.

I yield to the doctor from Wisconsin.

Mr. KAGEN. I don't want anyone to mistake my position on this. I am not in favor of government-run health care. We don't need socialized medicine in these United States. We do have a VA system that was in disarray until we got here. This class of 2006 helped to save our military veterans' health care. We helped to save our active military from a condition that was deplorable. Everything that the President has said he was, he is not. He was not conservative. He spent us into the drink. It is borrow and spend, and borrow and spend.

But this discussion, really, is about our Nation's children. It is really about where we are going as a Nation and what kind of Nation we really, really are. From your report of the recent poll, the American people get it. And we are resonant to their message. We are listening to their message. We have got the judgment. But, my friends, people of the country have to understand that Cassidy doesn't have a murmur of a prayer unless we get in the next several hours, by tomorrow when we vote on this bill, another 15 votes from our Republican side. We have got the Democratic votes. We need our Republican colleagues to come on over, to understand that this is not about partisanship. We cannot separate the politics and the policy. We have to put them together. They have to be in harmony for our children to get the health care that they so richly deserve.

I believe in my heart that with good people thinking this thing all the way through; one of the problems we have had in this country in the last several years, we have had an administration that in my opinion doesn't think things all the way through. You cannot say ''no'' to Cassidy; you cannot say ''no'' to Kailee and the millions of other children that need our support in the next several hours.

I yield to the gentleman from California.

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Mr. MCNERNEY. We know the poll numbers are very strong, 81 percent. We know the financial numbers are very strong. But this isn't about polls. It's not about money. It's about our responsibility, living up to our responsibility as Americans to our children.

We know that we can send a man to the Moon. We can make technology. We can produce the best art, the best science, the best music, and, yes, we do have the very best health care services in the entire world. So let's extend some of that service to the ones among us that need it the very most, the poorest children, Cassidy and her daughter, the children that cannot afford it that need health care to get through those first 5 years of life.

So let's come together. I urge my colleagues to come together to do the right thing and to vote in a bipartisan way to override this misguided veto and pass the Children's Health Insurance Program.

Mr. WALZ of Minnesota. Well, I thank the gentleman, and I'm encouraged. I'm encouraged by the number of Members of this body that understand this issue. I'm encouraged by the willingness of our friends on both sides of the aisle to come together. I'm truly encouraged by the leadership of Senator GRASSLEY and Senator HATCH working on this.

I'd like to bring up one more point on this of fiction versus fact, that I think this is one of the, maybe the meanest spirited part of this. And something that gets brought up, and unfortunately all too often is brought up, this idea of scapegoating or trying to mislead the way the public, it obviously is not working very well with the numbers coming out of the latest poll, but this idea that somehow a nonlegal resident of this country, an illegal immigrant would be eligible for this. I don't know how many times we need to state this. But I think that, Madam Speaker, that those of us in this body owe it to one another to be very, very clear when we state this.

The fiction part says that the compromise bill would allow illegal immigrants to get SCHIP. Here's what our Republican leadership in the Senate has said. ''Section 605 of our bill states the following: Nothing in this act allows Federal payment for individuals who are not legal residents.'' Anything to the contrary, if I would go back to the beginning, is simply misleading or, at worst, is an absolute attempt to distort or to be dishonest about this.

This is not, and I reflect back with each of my colleagues here. This is not a Democratic bill. This was a bill that was crafted under a Republican House and Senate and a Democratic President. It is a good piece of legislation. Our 43 Governors across the country support it. Numerous organizations that you have heard about, ranging the spectrum from the American Medical Association to the Easter Seals to the Cancer Society, to AARP, you name it and they're there. This is a good piece of legislation. And if the American public wants to understand how close this is or if, Madam Speaker, if you'd like to check with the Members of this body, there needs to be about 25 Members of this body switch where they're at on this issue. That's all we're asking for, to switch them. We've got them to compromise on that. We get these 25 people, and all of a sudden we're looking at 10 million children getting the care that they can.

Decisions are big around here. There's repercussions for your decisions. There's repercussions on the American public understanding what this body's job is supposed to do. And by all accounts, and each of us hear it, the American public, I would be willing to bet, it would be very difficult to find any issue that 81 percent of the American public agrees on, and this is the issue.

So tomorrow we have the opportunity. The President can choose to see if he wants to see his veto upheld. The Members of this body have the opportunity to make a difference.

So, Dr. KAGEN.

Mr. KAGEN. Mr. WALZ, I thank you for yielding. And I'd like to share with you, my colleagues, one of the lessons I learned as I left my medical practice and entered the world of politics to become a candidate and now Congressperson here in Washington.

I used to think it was doctors and nurses that really determined who would live and who would die. But really, it's politicians like you and I. It's politicians that will determine whether or not Cassidy has access to health care that she requires. It's politicians that took us to war based on lies and deceptions. It's politicians that have to get over the fact that they're not going to get a political donation from a child. The children don't have a voice in this body. We have to stand up and speak for them.

One of those people, not a child, from Marinette, Wisconsin, wrote to me this: ''I'm a single person but I can't afford medical insurance unless it has a very high deductible, and then it's still expensive. I have many medical problems, and cancer runs in my family, but I can't afford tests or treatments because I don't meet requirements for free checkups.''

You know, my friends, it's not just about children. This bill is focusing on the health needs of our children.

Later in this session, and next session, we will also take up the cause to guarantee access to everyone. Every citizen in this country deserves the right to see their doctor, their doctor when they need it. And I believe, in my heart, that we'll come around to get these 15 votes to override this veto and begin to change America.

We have to begin to think differently in this country and solve our problems by getting together, by working together and building a better future for everyone. It has to start tomorrow, in my opinion, and the opinion of many people throughout the country. It has to start now, right here and right now by caring for those who are most in need, our Nation's children, on whose future we all depend.

And I yield to my colleague.

Mr. BRALEY of Iowa. Well, I wanted you to yield for a question, because I

think a lot of us remember those old Fram Oil commercials where you can pay me now or pay me later. And as a physician who's taken care of children, as a physician who got referrals from primary care physicians, one of the things we're always concerned about in this body is the long-term cost of health care as we move forward as a Nation and how we're going to be able to afford health care for every man, woman and child in this country.

But what I'd like you to talk about is what impact it has on our long-term health care costs when people like Cassidy don't get access to the primary care, they don't get early diagnoses, they don't get early treatment, they don't get early interventions that allow us to nip those problems early on before they turn into catastrophic illnesses where the cost is greatly escalated.

And because of your background, I would ask my friend from Wisconsin if you could enlighten us about what that means in a practical setting.

Mr. KAGEN. Well, when an attorney asks me a question, I have to give a short answer, yes. You're right. In more detail, and quite seriously, every study that's ever been performed has proven that preventive health care, that disease management, saves money and saves lives. In diabetes it saves limbs. If you have a diabetic that is more under control, with their glucose maintained within a normal range, you gain longer life, less kidney failure, less heart disease, and your limbs, the circulation in your limbs, your lower extremities, in particular, are maintained. Diabetes is one example. In asthma it's yet another.

Several years ago, 5,000-some children and adults would die from asthma attacks in this country, and with a disease management program, we've reduced the hospitalization rate of children with asthma.

Asthma is the number one cause of hospitalization for children. Asthma is a very common illness today. It's in epidemic proportion in our major cities. Where, in our major cities? Well, there's lower poverty rates in our lower cities. And it is our Nation's children who are in low-income stratas that are developing allergy and asthma much more frequently. They need preventive health care. It saves money and it saves lives.

And to think of it a little differently, we can lower the taxes of every town, of every city, of every State in this country by having children that are healthy. By investing in the health of our children, we can lower people's taxes. This just hasn't sunk in yet. It will some day, if we fail to cover our children's health care.

And I yield.

Mr. WALZ of Minnesota. Well, I think the two gentlemen make excellent points on this. It's about having a vision. It's about understanding investment.

I would argue it has sunk in, Madam Speaker, to 81 percent of the country. It simply hasn't sunk in to another 25 Members of this body that will start to get that.

I want to give just an example here, a couple on this. This idea that the President's going to decide again, and the claims that came up here and, of course, the chart we talked about where the President's going to cut back on numbers, we have a situation now where we have children uncovered. The President is going to decide. Now, our bill is going to get us to the number we want to try to get to. The President is going to say, no, there's not enough there to get that. Well, he calls himself the decider. So Madam Speaker, I'd like you to think about this, and I'd like Members of this body to think about this.

Who gets coverage? Which one of these families gets coverage? You decide. Some aren't going to if you get the President's way. Our way makes the decision pretty easy. Cover the children.

How about the Wilkerson family from St. Petersburg, Florida?

''This is personal not only to us but millions of parents,'' said Bethany's mother, Dara, in a telephone interview.

''Dara Wilkerson said Bethany had to have heart surgery in 2005, when she was 6 months old, after doctors told them she'd been born with two holes in her heart and a valve that didn't close. The Wilkersons said their annual income was about $34,000 from their jobs, and they couldn't afford private insurance, and it wasn't offered to them. But even if they could, Bethany had a preexisting condition. The heart problem she was born with made enrollment in private plans impossible, her mother said. Thanks to Florida's version of SCHIP, the State Kid Care Program, Bethany gets the care she needs and has recovered and is a healthy, happy little girl.''

The President can be the decider. Does Bethany and her family get the coverage or not? It's his decision.

How about the Spaeth family from Kentucky?

Tonya Spaeth will give birth to a baby whose health care is the subject of a contentious debate on Capitol Hill. For the Spaeth family, such matters go far beyond a political debate. The baby's two older siblings have spent much of their lives in Kentucky's version of KCHIP, which insures 51,000 uninsured, low-income children who don't qualify for Medicaid. The Spaeths pay $1 or $2 for prescription medication and a $20 monthly premium. Mom and dad both work, but are absolutely unable to afford private insurance, which would run about $400 a month. So you want to throw them off? We can see what they did.

How about the Mackey family from Memphis, Tennessee? When Barbara Mackey's sister sent her an e-mail earlier this year about Tennessee's new CoverKids health care, she jumped at the chance. CoverKids is making a huge difference, said Barbara, who earns less than $20,000 a year as a bookkeeper at a church daycare center. The center offers health insurance to employees but not their dependents. Barbara said three of her four children were covered under the TennCare health insurance program for the poor, but lost coverage when the State ruled that the family's income was too high to qualify. So do you want to throw off Barbara Mackey and her children?

The list goes on and on and on. So the decider is going to be able to make a decision. We, as the deciders of the people's will, the 81 percent of people who agree with this, the 74 percent who are willing to give up their hard-earned dollars to help invest, as we heard our good colleague from Iowa and from Wisconsin say, this is a good piece of legislation. It's bipartisan. It's well vetted. It's ready to go. It passed both Chambers. It was vetoed. And tomorrow we're going to have the opportunity to set that record straight. And I look forward to this vote. I look forward to standing on this floor with my colleagues and proudly casting that vote, knowing that this Nation's priorities are straight. This Nation's priorities are right. This Nation's commitments to its children are unwavering.

I yield to the gentleman from Wisconsin.

Mr. KAGEN. Let me share with you just one such story of a patient of mine; actually, her children were my patients, and Jenny was a single mom with two young asthmatic children. And they were in my office by referral from their physician, and I made a diagnosis. I wrote some prescriptions for each child. I said, ''Hey, I'll see you in a month, and they'll be doing fine. They'll be back in school. They'll get the education they need. They'll be healthy.''

A month later she came back in with her children and these children were still wheezing. You know me pretty well; I'm right to the point. I said, ''Well, you know, Jenny, this medicine works pretty good if you put it in their mouths.'' And she was sitting next to me and she took up her purse and opened it up and took out the very same prescriptions I had given her a month earlier and put them on my counter. And she said, ''Well, Dr. KAGEN, I don't have the money to put it in their mouths. I took your prescriptions that you gave me to the pharmacy. I stood at the counter. I could see the medicine, but I couldn't afford to put it in their mouths. What are you going to do about this? How can you help me? How can you help me?''

Well, I stood up and said that's it. I've got to run for Congress. I can't change health care by becoming mayor of Appleton, Wisconsin. I can't change health care by going to be a Governor in the State House because we can't fix health care. This is a national crisis. You can't fix it State by State. Insurance companies are hiding behind State lines.

So I came here to work with you. As you all came here, so did I, to bring our country back to the basics. We have to get back to the basics in this country. And I'll just echo, not just what my patients have been telling me, but everybody along the parade routes, everybody I meet at the grocery store, everywhere I go, people say this: ''Hey, KAGEN, I want my country back.'' They don't just mean a border that they can see. They don't just mean having a President that will obey the rule of law. They mean they want their morals back. They want their standing, their country to stand up tall and say we care about our children and we're willing to invest in their future.

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This is Jenny's story, and I bring it to you and I share it with the Nation. We cannot turn our back. We cannot say no to Jenny. We cannot say no to Wendy and her children. They are working hard. These are hardworking people. The 47 million people that don't have health insurance today, two-thirds of them are hardworking people. They simply don't have the money to pay an insurance company for what benefits they may or may not get if they have insurance.

But this bill just makes sense. It's good for our Nation's health. It's good for our business. It's paid for. It's pay-as-you-go. Where do you want to spend your money if not on your children and their future?

I yield back to Mr. MCNERNEY.

Mr. MCNERNEY. Thank you very much.

I would like to ask a rhetorical question. What gives you the most joy in life? And the answer, of course, is your children.

You go to the mall. You are walking down. You've had a hard day. You see a child. You bend over, you talk to it. It brings a smile to your face. You're walking down the street in your neighborhood. A young mother comes along with a baby and cart. It brings a smile to your face.

And it's not just the United States of America. It's a worldwide phenomenon. People love children. They love to dote on their children. They love to spend money on their children. They love to do everything they can to give their children the best possible future they can.

So why can't we come together on a bipartisan basis and give our children the health care they need to be productive citizens in this country, in this world.

And that's a rhetorical question that I will leave with the gentleman from Wisconsin.

Mr. KAGEN. Madam Speaker, it's not such a difficult question to ask, Whose side are you on? Are you on the side of Cassidy and her mother, Wendy? I am. I know my colleagues are. Whose side are we on? We will answer that question tomorrow.

Mr. BRALEY of Iowa. Madam Speaker, we have talked about the human face of this problem, and I just want to briefly talk about the numbers that affect a single congressional district.

In my district, the First District of Iowa, 7,000 children are covered by the Children's Health Insurance Program. In the State of Iowa, there are currently 37,000 children who benefit from this program. This bill will allow 26,400 additional children to have the benefits of health care. But if we don't act, 37,000 children could lose the opportunity in my State to have the type of coverage we're talking about.

And one thing we can't do is we can't turn our back on those kids. We can't collectively fail to have that smile from doing something right that we all believe in, taking care of the most vulnerable people in our society, making sure they have their basic needs met. That is a responsibility we all have as parents. That is a collective responsibility we have as a Nation to the children of this country. And when we come into this Chamber every day, that should be the foremost thing in our minds: providing basic needs and making sure that they are met and empowering people to meet those needs on their own.

So with that I want to thank my colleagues for joining us here tonight.

Mr. WALZ of Minnesota. I thank my colleagues. I thank you for your passion. I thank you for speaking out for those Americans and speaking out especially for those that are least able amongst us, the children, the children of those that are not as advantaged.

It doesn't happen often, but tomorrow we are going to get the opportunity. You hear a lot of politicians talk about family values. Tomorrow they are going to get an opportunity to cast a vote that really will affect family values. That ability to put that smile on that child. That ability to take that child in and give them the preventative care necessary to see that child grow up and be a productive member of society.

I am proud to be prepared to cast this vote to override this veto with my colleagues.

Mr. KAGEN. And together we will.

SCHIP AND EARMARK REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY. Madam Speaker, I thank my leadership for allowing me to lead the time during this next hour. And my intention, Madam Speaker and my colleagues, is to talk about something that is hugely important in this town, in this body, and across this country, and, of course, that is the issue of earmarks.

But, Madam Speaker, before I get to that, I couldn't help but hear my colleagues on the other side, the freshmen Democrats, who just spoke about the SCHIP program. I will say this, Madam Speaker: they spoke well. They spoke in a very articulate manner. I commend them for their sense of presence in this body. They are all doing a great job.

But, Madam Speaker, talking about overstating and being over the top on some of the comments that were made that I just heard over this last hour listening to my colleagues, it's amazing.

The gentleman from Minnesota was critical of the President, overstating the issue of the SCHIP program in regard to covering children from families up to 400 percent of the Federal poverty level. I don't necessarily argue with the gentleman over that point. But then the doctor from Wisconsin went on to make a comment, and I think I am accurate in quoting him. He suggested that the Commander in Chief, the President of the United States, went to Iraq over lies. Then he went on to say that the country needs more than a President who refuses to obey the rule of law.

Now, you talk about overstatements and embellishing and really getting entirely off the subject. So I just want to remind my colleagues, let's do indeed stick to the facts.

The facts, Madam Speaker, in regard to the State of Wisconsin, my good friend, the good doctor, the allergist from Wisconsin, I would quickly point out to him that in his State, he showed that picture, that kind of heart-rendering, tugging-at-your-heart-strings picture of the mother and child, the mom, Wendy, and the child, Cassidy, and sort of making his point that we need to expand this SCHIP coverage by 140 percent to cover 6.4 million children that we are covering under the current program, but to increase that to over 10 million children.

Well, not only that, Madam Speaker and my colleagues, but the gentleman from Wisconsin, in his State 66 percent of the people that are covered under the SCHIP program are the Wendys, not the Cassidys. Mom and dad that have maybe one child that are in that income bracket, 100 to, I think, in Wisconsin it goes up to 180 percent of the Federal poverty level. Not only are the children covered but the parents are covered as well such that in that State, 66 percent of the total people covered are adults, not children at all. And Wisconsin is not the most egregious State, Madam Speaker. There are a number of others.

The State of Minnesota, the gentleman from Minnesota was leading the time. I think probably 70 percent in Minnesota are adults.

And if my colleagues want to come down, I will yield to them if they want to dispute those figures and we will talk about it. I would be proud to have them interrupt me and get in a colloquy, in fact, about this.

So I am here tonight during this Special Hour, Madam Speaker, to talk about earmark reform, and we will get to that. But I think this is just really

important because this is a historic vote tomorrow. This is a historic vote. And colleagues on both sides of the aisle will have an opportunity to say do we want to reauthorize a good program, you might say even a Republican program with Senators like Senator HATCH back in 1997 when this program was started. Not an entitlement program, Madam Speaker, no. Not an entitlement program. A block grant lasting 10 years, spending about $1 billion a year on the program to cover 6 million children. And, yes, we Republicans, we fiscal conservatives, and the President of the United States have a compassion, and we understand that Biblical phrase ''suffer the little children'' that the Speaker likes to use over and over again in trying to make her point.

But we want to make sure that we cover those children that have the greatest need, those children between 100 and 200 percent of the Federal poverty level. And there are almost 750,000 to 1 million of those kids, those children, in those families who have fallen through the cracks. The States have not done a good enough job of finding them.

Madam Speaker, I am very, very proud of my State of Georgia. I represent the northwest part of that State, District 11. We have lots of children in this program. In fact, in Georgia we are covering about 280,000 children. And we still are missing a few. But they are not children and families making 300 percent of the Federal poverty level. That's $63,000 a year. And if you allow that, as this new Democratic expansion does, as a matter of routine, and then you also say not only do the children, each child in that family, one, two, five, whatever, but their parents also get coverage, well, that's why I'm just trying to make this point.

I love my colleagues on both sides of the aisle. These four freshmen Democrats are outstanding Members, and they speak very well, as I said. They just speak facts that are not factual and they embellish their points, and I think that the truth needs to be told on this.

The truth is that we in the minority now, we want to expand this program. We voted for the continuing resolution so that it did not expire. We will vote to sustain the President's veto tomorrow because we don't need to raise the spending, Madam Speaker, on this bill 140 percent and cover 4 million additional children.

I think it was Mr. WALZ from Minnesota who had this nice poster showing the amount of money that we spend every day, every month in Iraq trying to defeat this Islamic extremism, to fight this global war on terror, and saying that, well, you know, if we had 37 days' worth of spending in Iraq and Afghanistan that we could use on this SCHIP program, we could cover 10 million additional children, give them health care, dental care, Cadillac coverage. Well, he is right about that. There is no doubt we could. And what good would that health care coverage for those children do if some Osama bin Laden look-alike came into this country and blew them to smithereens?

So let's get our priorities straight here, my colleagues. Let's get our priorities straight. We need to protect the children. We need to protect the adults. We need to protect hardworking men and women in this country and not let 3,700 of them be slaughtered in a 20-minute period of time, in the blink of an eye, because we were not willing to defend this country against global terrorism and Islamofascism.

So this is not a matter of either/or here. And, again, numbers are great. You use your statistics and you make your points. But I hope, my colleagues and Madam Speaker, that I have made my point well in regard to priorities. So let's get this real. Let's sit down with the Democratic leadership. The President I know will do that after we sustain his veto.

Hopefully, there will be some Republicans, Madam Speaker, at the table. Our colleagues keep talking about the bipartisan bill and they keep saying Senator GRASSLEY and Senator HATCH. Well, okay, Senators GRASSLEY and HATCH. But we have got, I think, 47 other Republican Senators in the other body. And, yes, they may have a few Republicans on this side who they have scared into supporting this massive expansion.

But we don't need to do that. The President can sit down with, hopefully, our leadership, both Democratic and Republican. Minority rights here. Let Mr. BOEHNER in the room. Let Mr. BARTON in. Let Mr. DEAL in. Let our ranking members from the Ways and Means Committee, Mr. MCCRERY, let them in the room too and sit down with the President, with Democratic leadership, with the Senate, with the Republican Senators. I'm sure they will be there.

And say, look, we made a proposal. Initially, the President said we are going to expand this program 20 percent. You say it's not enough. All right. Well, let's get to the table. Let's leave our guns at the door, if you will, Madam Speaker. And maybe it does need to be a 35 percent increase, possibly even 40 percent. That would increase this program over a 5-year period of time by $10 billion. But not $35 billion when what you cover in those additional 4 million children are those whose families are making a pretty darn good income at $63,000 a year and they are already on a health insurance program, a private health insurance program. But, Madam Speaker, wouldn't you, if you got the opportunity to drop your private coverage for your kids and those monthly premiums, say, Manna from heaven, we're now going to get on the government public trough? Wonderful. Wonderful.

□ 2000

And I go back to that, talking a little bit in response to, again, my physician colleague, I think most of my colleagues know that that was my profession, too, before coming to this body. But the doctor from Wisconsin was showing those pictures, that picture, again, of Wendy and Cassidy. Well, Wendy, if she needs public coverage for her health care, should get it under the Medicaid program. But guess what? The State has to pay more under the Medicaid program, significantly more, probably, I would guess that that's absolutely true in Wisconsin, than on this SCHIP program. So it's a better deal, obviously, to cover her under SCHIP than under Medicaid if she had a waiver, if Wisconsin had a waiver, could cover her income level. You see my colleagues, you get it? This is simply a matter of fact, the truth. Maybe sometimes the truth hurts, but connect the dots here, connect the dots.

Mr. Speaker, I don't think the Democratic leadership wanted to give the President a bill that he could sign because there's a lot of politics in all of this. And there is always, well, you know, ''these cruel Republicans.'' These cold-hearted, they don't care about the children. They don't care about the veterans. They don't care about the hardworking men and women of this country, so let's stick it to the rich.'' And of course the rich is anybody making more than $75,000 a year.

So, Mr. Speaker, it wasn't my intention to talk about this, but I think you can see, my colleagues, that the previous hour kind of stirred me up a little bit, and I wanted to get the facts out there. Because this is a historic vote tomorrow, and I plan to vote to sustain the President's veto.

Mr. Speaker, my main purpose tonight in this hour, and I think some of my colleagues will be joining me a little bit later in the hour, is to talk about something that I can talk about in a very, very bipartisan way, and that is, the need for earmark reform. This problem with earmarks, a lot of people say that's the reason, that's part of the reason. Maybe there are two or three things that you can point to, I won't spell them out. I think most people understand that we lost our majority. ''We,'' I'm talking about now the Republican Caucus. We had the majority in this House for 12 years, and in November of 2006, obviously, we lost it. And a lot of people would say, the political pundits and folks back in my district, the Republican base, you guys, why in the world did you not rein in spending? You know, you had an opportunity, you had a Republican President, you had control of both the House and the Senate. Of course, control of the Senate, I think the Democrats are finding out right now that control of the Senate by two votes doesn't get you very far, and of course that was certainly a problem for us in the majority. But it is without question, in my mind, that this prolific spending really caused us some serious problems at the ballot box. And some of it has to do with these so-called ''Member initiatives,'' earmarks, a lot of people just flat out call it ''pork.''

So, I think it's a problem. Clearly, it's a problem. The American public perceives it to be a problem; therefore, it is a problem. And if you ask people in red States or blue States, they'll tell you the same thing: It's not right.

Now, there are Members who will stand up here and very staunchly defend Member initiatives. They will make the argument that, well, each Member, 435 of us, 100 in the other body, knows our people, knows our State, knows our district, understands what the needs are. People come to us, whether it's a school or county or city government or an individual entrepreneur that's got a new product that can save the lives of our soldiers injured on the battlefield, and that's a good thing, that's an appropriate thing for us to point out. Maybe the departments that we fund in this $933 billion discretionary spending pot that we divide up among all these different agencies and departments of Federal Government, that they can't know, they can't get into each and every State, although they may have regional offices. So, it's good, it's good that Members, Mr. Speaker, are able to bring that to the attention of the appropriators and make a request and get what's called by the general public and by the watchdog groups ''earmarks'' or ''pork.'' We like to refer to them as ''Member-directed initiatives.''

And I'm a little bit torn about it. I do believe that Member initiatives can be a very good thing if Members do the right thing and there is no quid pro quo in regard to trying to grant a favor, if you will, for a constituent for a worthwhile, needy project that would ultimately help everybody, not just a very narrow group of people.

But this system, Mr. Speaker, has really gone amuck. Now, I've only been here 5 years; I'm in my third term. Have I asked for Member initiatives for the 11th District of Georgia? Absolutely, Mr. Speaker. Indeed, I have done that. I have learned how to do it, not nearly as successfully as some of my colleagues. Some people are absolute experts at it, but we all kind of learn the process. It's not part of our orientation, by the way. If it was such a good thing, it seems like they would include it in the orientation manual for new Members. But you just kind of learn this on the slide. You know, you talk to your senior colleagues who have been around here for a while and you find out how the system works. And so, you do. And I like to feel that I can shine the light of day, Mr. Speaker, on every single one of those Member initiatives that I've asked for; certainly not gotten them all. In fact, the ones that I have been granted, usually it's far less than the request. So, we've been doing this for a long time and we've talked about reforming it for a long time.

When we were in the majority, Mr. Speaker, and I say ''we.'' You and I are Members of this body proudly, but I'm talking about ''we'' the Republican Members. When we were in the majority, I think we finally recognized that something needed to be done and we tried to put some sunshine on the process. And we said, look, at the very least, let's make sure that when Members put these projects, these earmark projects in a bill, not just the appropriations bill, but also an authorizing bill, or maybe a narrowly drawn tax bill, all those tax bills, of course, originate in the House through the Ways and Means Committee, but if it's a tax advantage that affects just a handful of people, that's kind of a special deal, that's a special favor, and that has to be justified.

So, we recommended in our ethics reform package in the 109th Congress, let's make sure that all of those Member initiatives are written in the bill and in the bill's report. And it specifically says who the Member was making the request, from what State, what the project is, how much money is going to be spent. And that particular earmark could be challenged by another Member. Another Member, during an appropriations vote and discussion, a Member could stand up and say, ''I have an amendment to strike such and such an earmark.'' I would hope that Members would do that in a bipartisan way and that Democrats wouldn't just attack Republican earmarks and Republicans attack Democratic earmarks. If you're truly sincere about the process, you would look at it without any view of whether the earmark has an ''R'' or a ''D'' behind it, Mr. Speaker, and you would challenge it on its merits and then would have an up-or-down vote. That's good, that's a good thing.

Unfortunately, Mr. Speaker, when the new majority took over, that language in earmark reform was changed such that it's not required that the light of day shine on earmarks and authorizing bills or tax bills, just in the appropriations process. But that's not enough, that's not enough.

In the next few minutes I want to talk about something that I have introduced, a bill that I think would take us a lot further down the road toward, if you will, Mr. Speaker, cleaning up this process.

Now, I'm going to ask our good, young page who is here tonight, as they always are, working hard for us late at night, to bring the easel up. I've got about three posters, and I want to share some quotes with you. But while he's doing that, Mr. Speaker, I see that one of my colleagues, my classmate from the great State of New Jersey, I believe that's the Garden State if I'm correct, is with us on the floor. And the gentleman I'm talking about, Representative SCOTT Garrett, is also my colleague on the Republican Study Committee, and I thank him for joining me tonight.

At this time, I would like to yield time to Mr. GARRETT.

Mr. GARRETT of New Jersey. I thank the gentleman for yielding time.

I want to begin by just complimenting one, two, three people. First of all, compliment Dr. GINGREY for having this session here on the floor tonight to bring this very important subject once again to the well so that we can have this debate, have this dialogue to address an issue that the American public is rightfully concerned about.

Secondly, and I'm sure Dr. GINGREY will agree with this, we should always applaud the gentleman from Arizona, JEFF FLAKE, who has been, let us say, the ''voice in the wilderness,'' if you will, for a number of years when it came to earmarks coming to the floor, repeatedly, time and time again, before you and I were even in Congress, bringing this to the attention of the Members from both sides of the aisle, trying to shine that light of day. Unfortunately, the process was not such that the information was going out. He did it sporadically, at best, because he had to literally go through the bills page by page to try to gather the information. And when he did, he would gather those infamous examples that he would then bring to the floor, outrageous examples, and try to get a majority of Members of either side of the House to support him in deleting those egregious earmarks. Unfortunately, in nine out of 10, actually, it's probably more like 99 out of 100 examples, he didn't get the support that he deserved.

And the third group of individuals that I think we should applaud is the American public, because they have been rightfully outraged from the very start, as soon as the information began to come out of this House, as to where their tax dollars are going. The American public saw that their hard-earned tax dollars that they work every week and send in their taxes to the Federal Government, to Washington, D.C., are going to absurd things: the rain forest in the central United States or ''bridges to nowhere'' and that sort of thing. It is only, I think, because their outrage has gotten to such an extent that Congress, especially from the other side of the aisle, the Democrat majority, is finally beginning to listen. And you and I also agree that they have not quite listened well enough because they have not brought through the sunshine and the adequacy of information that you and I would like to see and that the American public would like to see.

So I just want to start off by saying, let's applaud those and give credit, yourself and JEFF FLAKE and the American public, where credit is due.

I know you're about to talk about your proposal, so maybe I will cut my comments to a couple here because I would like to maybe discuss your proposal in detail so we can flush it out. But let me just raise this one point, and I think this is probably a good segue for where you're going to go into this.

When it comes to earmarks, when you think about earmarks, it is right to say that they are really a very small part of the overall expenditure of the

Federal Government. Unfortunately, I think some Members and lobbyists also spend, unfortunately, a disproportionate amount of their energy and time attaining those earmarks. I don't think that's why they sent us to Washington, to spend so much of our time trying to slice out a small percentage of the budget to bring back home.

We know that some Members probably spend more of their time than others. We also know that some Members have been more successful than others in bringing home those earmark dollars in perhaps a way that some would argue is not the most equitable and fair way. And I think that's what your bill will get to, to provide a more equitable and fair distribution of dollars.

□ 2015

How is the money being spent right now? Well, I understand that the average House Republican receives approximately $8.7 million on average in earmarks. I think that is an average as far as described as being a mean, or median, as opposed to a mode, when it comes to averages because some of them are considerably less and some of them have considerably more. The average Democrat, though, remember the Republican is $8.7 million, the average Democrat receives $10.3 million in earmark funds. And you have to scratch your head and think, where is the fairness there? Just because someone lives in a Democrat district, he may be a Democrat himself or he may be a Republican, is he more worthy? Did he pay more taxes that he is going to get more dollars coming into his district? Conversely, just because someone lives in a Republican district and he may well be a Democrat, as well, why is he being shortchanged? He is receiving on average a couple million dollars less.

Now, I said a moment ago those are averages. Some are lower. I don't know where you or I stand on those numbers. But some are considerably higher than that. The Speaker received some $67 million in earmarks in the last go around, and then there, of course, is the very cream of the crop, the very top, appropriations cardinal, Congressman MURTHA, topped the list at over $179 million in earmarks to his district. $166 million were in defense earmarks. Someone suggested that when you are collecting and spending $166 million, you are no longer just a congressman, you are now a CEO of a mid-sized company at that point. Of course, the interesting thing there is you are a CEO of a mid-sized company that has been bankrolled by the taxpayers of the country. That is something that we should focus the light of day on: Why are some people being treated better than others just by who they are, what positions they hold and what ranking positions they have in various committees.

I think your legislation will possibly try to address those issues. And if it does, and as I understand it does adequately, it will go a long way to providing the equity and fairness that the American public has been seeking and has been outraged that we have not been providing them in the past.

I would like to touch on some other points as far as really the scope of where earmarks go and some of the other things we may need to do, but I think this is a great segue into what your bill is able to address, and I yield back to gentleman at this time.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from New Jersey. I hope he will be able to stay with us throughout the hour because I do want to segue back and forth with him as we delve more deeply into this issue. But at this point I want to ask my colleagues on both sides of the aisle tonight, focus on these three charts, posters, if you will, that I've got because I think this is so telling in regard to why I said, at the outset, when we started talking about this problem, that this is bipartisan. This is a bipartisan problem. It needs a bipartisan solution.

When we were in the majority, maybe doing the exact same thing, business as usual in regard to what the gentleman from New Jersey just pointed out, and in the way these earmarks are handed out with sort of, first, if you are one of the fortunate 65 that sit on the Appropriations Committee, whether you are in the minority or the majority, especially if you are in the majority, you get a much, much, much, much bigger bite at the apple, the earmark apple, than some rank-and-file Member on either side of the aisle that is part of the ''obscure caucus'' that sometimes we refer to. That is not right. That is absolutely not right.

Listen to what Ms. PELOSI, the minority leader in the 109th Congress, said, and I think she was absolutely dead on right when she said it. Here is the quote, Mr. Speaker, ''If you are going to have earmarks and you are going to have transparency, you have to do it in the appropriations bill and in the tax bill, and in the authorizing bill. I would put that in writing.'' That is a quote from the gentlewoman, the distinguished current Speaker, then minority leader from California, Speaker PELOSI, minority leader at that time. She made that statement in September of 2006, exactly September 7. I guess campaign season. That was a good thing to say.

I think the public paid attention to it. I think it might have helped the Democrats regain the majority as they now enjoy in the 110th. I don't know what has happened with the Speaker. Right now, the minority leader, JOHN BOEHNER, the gentleman from Ohio who has been in this body since, well, I don't know when. He is still a young man. But he has never asked for an earmark. Do you think it is because Ohio or his district doesn't have the need? No. I think he thinks or he feels there's too much temptation for quid pro quo and corruption and he works very diligently to try to get through the regular process of applying for grants and helping his district know how to do that, that that is the better way.

Well, he has dropped a bill in this Congress, in the House, to do exactly what we tried to do under the Republican leadership, Mr. Speaker, in the 109th, do exactly what Madam Speaker PELOSI said on September 7, 2006. Do you know where that bill is? It is buried. It could have a hearing. It could be brought to this floor. Gosh, we could do it this Friday. That was another pledge that the Democrats made, Mr. Speaker, that we were going to work 5-day weeks and I bet you we will be leaving here on Thursday night. Heck, we could bring this bill up. The leadership just has to agree to do it, and we could be voting on this very issue on Friday. But, no, it is buried. It hasn't seen the light of day. So we Republicans, maybe hopefully some like-minded, good Democrats, maybe the Blue Dog Coalition, maybe the Congressional Black Caucus who is sick and tired of getting the short end of the stick in regard to this earmark process would sign that discharge petition and let us get 218 signatures so that we can immediately bring that bill that Ms. PELOSI recommended to the floor. That seems pretty straightforward to me. Let's do what she asked us to do.

Mr. Speaker, the next line is another quote from our now current Speaker, and she said this, if she were to become Speaker in the next Congress, PELOSI said she would press to severely reduce earmarks. And this is a quote. That was what the reporter wrote in the Wall Street Journal. But this is a quote that the current Speaker gave to him. ''Personally, myself, I would get rid of all of them,'' she says. ''None of them is worth the skepticism, the cynicism the public has and the fiscal irresponsibility of it.'' That was in the Wall Street Journal.

Yet, Speaker PELOSI, she herself is on track to take home $100 million this year in the earmark member initiative category.

That just astounds me. That just astounds me. What she said here, my colleagues, is so true. ''None of them is worth the skepticism, the cynicism, the public has.'' Now, Mr. Speaker, I want to ask my colleagues to pay attention to an article that was written today, USA Today, quick read, easy read, Wednesday, October 17, front page, should have been above the fold, below the fold, but here is the byline on this article, my colleagues: Timing of Gifts Stirs Earmark Debate. And then the subtitle: Donations Made After Funding Added to the Bill.

Now, Mr. Speaker, I want to read the first paragraph. The article is short, but I am not going to read the entire article. But this is what it says in the first paragraph:

''Days after a Senate committee approved $1 million for a Woodstock, New York, concert museum, the project's Republican billionaire backer and his family contributed $29,200 to help the

Democrats who requested the money, Senators Hillary Rodham Clinton and Charles Schumer.'' A $29,200 contribution from this billionaire and his family. Within the limits? Sure, within the legal limits. I am sure it probably was him, his wife and his kids, adult children who are permitted to make contributions. Maybe Senators CLINTON and SCHUMER have leadership PACs and they can get $5,000 a chunk to those PACs.

Then the article goes on and says:

''It's neither illegal nor unusual for contributors to benefit from congressionally directed spending known as earmarks, but the timing of the June donations is grist for critics who see a link between legislative pet projects and campaign money.''

Now, I am going to tell you, I don't want to say that that is the proof of the pudding, but it is mighty suspicious. And I don't think it passes the smell test.

I am not being overly critical of these two Senators. The problem is on both sides of the aisle in both Chambers. What really called my attention to it, Mr. Speaker, was an article about a month ago in CQ Weekly in the title, the front page, Playing the Earmark Game and How It is Done, and how certain Members get, as I pointed out earlier, a much, much bigger bite at the apple. I will tell you, my colleagues, you know this. I hope the American public knows it. It is going to be members of the Appropriations Committee. It is going to be the party leaders, possibly on both sides of the aisle, or it is going to be Members who have had a tough election in a very competitive district, and we run it every 2 years and they are going to have a tough reelect, be they Republicans or Democrats, and, therefore, those Members are going to be granted a lot more. Mr. GARRETT talked about the average of $8 million. Maybe those are the ones that get $25 million worth of a bite at the apple so they can appear to be doing more for their district. They are a great Member, so let's reelect them. They are bringing home the pork. They are bringing home the bacon.

But you know what happens with that process, Mr. Speaker, and there are several articles in this magazine. This one is titled, Gaps Along Racial Lines. What happens to Members of this body who may be from minority majority districts or Latino districts or inner city districts and they easily get elected. They are very popular in their district. So they don't need any shoring up to get reelected. So they get maybe $1 million instead of $8 million, and somebody else, some powerful Member gets $180 million for their district. That is flat wrong. Because, Mr. Speaker, those Members that I just described, whether they are members of the Congressional Black Caucus or the Latino caucus or they represent a rural district in Georgia, they have 670,000 people that they represent, and they have poor towns and poor counties and poor school systems that need the money, that need the project, and they don't get it. It goes to the fat cats. That is just flat wrong.

We are going to try to change that. Some Members think that the solution to this problem, Mr. Speaker, is a nuclear option, and that would be to totally eliminate all earmarks tomorrow. No more earmark Member initiatives and we stop all this temptation that any Member could fall prey to, any Member, including myself.

□ 2030

So I can concur and understand that feeling that we might need to completely, totally stop the earmark process. But then, again, many Members have pointed out to me that, you know, Congressman, we don't mind putting our earmarks out there for the light of day, we don't mind them being challenged, but don't take them away from us, because we are doing it right. Don't ruin a process that could be good because there are a few rotten eggs in the basket. I understand that argument as well.

My proposed legislation, and I appreciate Mr. GARRETT from New Jersey still being with me because I want to yield some time to him and get into a colloquy about the bill, Mr. Speaker, but what it does is this. It says, look, in 2006, the high water mark of earmarks, when $29 billion worth of discretionary spending, about 3 percent of the overall discretionary spending was earmarked by House and Senate Members, well, let's do this in my bill. It says to cut that amount by 50 percent.

Mr. Speaker, that is also almost a Pelosi quote. What was called for by the Democrats when they were in the minority trying to seek the majority, let's cut these earmarks by 50 percent in one fell swoop. So that is what my bill does; it cuts that $29 billion to $14 billion. Then you do a little arithmetic, not calculus, but a little bit of arithmetic, and you divide 535 into that $14 billion number and you come up with a figure of $27 million. The bill says no Member, no Member from Pennsylvania, no Member from California, no powerful Democrat, no powerful ranking member, no appropriator, nobody who needs help propping up them for the next election, nobody can get more than $27 million worth of earmarks for their district.

Now that doesn't mean they have to take them. If Members like Mr. GARRETT and Mr. FLAKE and Mr. BOEHNER and Mr. HENSARLING and a total of 12 Republicans stand strong on principle and say that earmarking is wrong and I want to say that my $27 million should go back to the taxpayer and subtract that number from the 302(A) allocation, as we call it, that is some real money. The first thing you know, you might have 100 Members doing that, or 300 Members on both sides of the aisle saying ''I want to end this process.'' That opportunity is there. The money wouldn't be spent by somebody else.

Mr. Speaker, but, on the other hand, if a Member had something that they felt very strongly about, whether it was a road project or repairing a bridge infrastructure, obviously the State of Minnesota knows what I am talking about, or widening a port so that these large container ships can come in that are now going to be able to come in through the Panama Canal, there's merit. So a lot of Members would say, you know, I really need this. Maybe one year $15 million; possibly the next year, the max; maybe the next year nothing, in which case the taxpayer would benefit from that as well. That is what this bill is all about. It's about putting some fairness, restoring some integrity to the process, and also controlling spending.

Mr. Speaker, my thinking on this is really twofold, controlling spending, and also ending this climate, if you will, of corruption, where Members on both sides of the aisle, and I don't think there is a Member of this body that comes here without a great deal of integrity and honesty. I don't believe they could look people in the eye in their district and get elected. It is hard to get elected to the Congress, to the House or the Senate. I think people come here with good character. But I think, unfortunately, the process will adversely affect a few. We can name some bodies that are littered and strewn about this place, that actually some of them are now spending time in the Crossbar Hotel, as my dad used to say.

So this bill, I think, would help. It would be a great start; not just a little move, but a fairly draconian move. A lot of Members are not going to like it. I have already begun to accumulate cosponsors, and every day we get several more, and hopefully this is something that we can accomplish.

Mr. Speaker, I would like to yield back to my colleague from New Jersey (Mr. GARRETT) at this time for further commentary.

Mr. GARRETT of New Jersey. Mr. Speaker, I appreciate the gentleman for yielding.

Mr. Speaker, as I sit here, and here we are in October, the question that always first comes to my mind is 10 months into the 110th Congress under now the new Democratic control, and what has that 10 months wrought: the largest tax increase in U.S. history, the creation of a budget by them with slush funds where there's no accountability; and, finally, the lack of transparency that was promised to us. That last point I think is what Dr. GINGREY is talking about here this evening. I am glad to join him to illuminate that issue a little bit more, the lack of transparency.

The Democrats ran the election of last year saying that there was not enough transparency and openness in the prior Congresses and that if they were elected and put in a position of power, they would bring that transparency, the openness, the sunshine, if

you will, to this floor. That is what they campaigned on. That is even, as Dr. GINGREY says here with the charts, the quotes from Speaker PELOSI, what they promised even after they came into a position of power. Of course that has not occurred.

Mr. Speaker, some who may be listening to us here right now say why didn't the Republicans do this when they were in charge? The fact of the matter is, as you may recall, we did. We did pass legislation in the 109th Congress to bring transparency to reform the earmark process. Unfortunately, not all those reforms were carried over with us into the new 110th Congress, and, I should add, some of the changes that have occurred in the 110th Congress only came about because of people like Dr. GINGREY, JEFF FLAKE, and other people, JEB HENSARLING from the RNC, coming to the floor and compelling and forcing the additional reforms that we have seen so far in this 110th Congress.

Let me just make this point. In earmarks right now, and it only applies basically to appropriation bills, which of course you have already spoken as far as the discharge petition, but in the rules of the House right now you would think that the American public would have the information now at hand that they have been asking for all along: Who's sponsoring the earmark, what the earmark is for, and how much money that earmark is allocating. You would think that is the case because that is the reform we compel the other side of the aisle to implement.

Well, they passed the rule, but they are not implementing the rule. What they did was quite clever. You take a piece of legislation that can be literally this thick, as far as a bill is concerned, an appropriation bill, or even thicker than this as well, and that information is in here, who sponsored it, how much it's for, and what the project is, but it's not in one place. Instead what they did was put it in two places. So you go to one page where it has the sponsor's name and the project, then you go 100 pages later on and there will be the project and the amount.

Now you have to search through literally thousands of pages, thousands of lines, and to put the two together to find out that, well, Congressman MURTHA, for example, had this particular project in his district. You have to spend literally hours and hours and days and days to put it together to get that number that we gave before, $166 million in Defense Appropriations.

I commend ''Congressional Quarterly'', because that magazine did spend the time to put together that data and has published the report, and it was an outside organization that actually did much of the spreadsheets on that. Finally, the American taxpayer has that information, no thanks to the other side of the aisle, because they put it together in a convoluted and basically in an orchestrated manner to make sure that the information they were required to reveal to the American public was presented in a way that you could not see it.

The proposal that you are presenting to us tonight is a good one. I believe it is a step in the right direction, and I think the gentleman from Georgia would agree that it is a step in the right direction, and that we can even eventually, if we can get this step done, we can go even further, as you illustrated, to get even more information and to rein this in even further.

Mr. GINGREY. Mr. Speaker, reclaiming my time, yes to the gentleman's question in regard to maybe this being a good first step, and almost a giant step, not a baby step.

Mr. GARRETT of New Jersey. I didn't mean to say it wasn't a good first step.

Mr. GINGREY. And we should go further. But I would tell my colleague, Mr. Speaker, that in a way it is analogous, and forgive me for using medical analogies, but I spent 31 years of my adult life doing that, of trying to wean someone off heroin, a drug addict. Mr. Speaker, you can't do that cold turkey. It would kill the drug addict, so they go through a detoxification process, if you will, and that is not a pretty thing to see. Then they are gradually weaned off and switched over to a drug called methadone. It is a heroin-like substance, an analog. It can take sometimes a couple of years, even when a drug addict is cooperating and wants to be cured of their addiction.

I think I am not overstating it. I don't think I am embellishing here when I say this Member-initiative earmark process has become an addiction. I truly believe it has. And it is tough. So to cut it in half in one fell swoop and put caps on it, and, as Mr. GARRETT, the gentleman from New Jersey pointed out, shine the light of day on it so that you can see it and you can find it, obey not only the letter of the law, but, for goodness' sake, obey the spirit of the law and not make it difficult for watchdog groups or other Members or John Q. Public to look in the CONGRESSIONAL RECORD or read these bills and find out what is in there.

So there is no question that Mr. GARRETT is right, that after we get this done, go through the detoxification process, if you will, we will then try to wean this body off of this process, because I think we ultimately need to do that.

I yield to the gentleman.

Mr. GARRETT of New Jersey. Just a point that comes to mind. One of the issues that we will be dealing with this week is SCHIP. There is a piece of legislation you wouldn't think would be prone to earmarks. If you listen to the other side, they would tell you, hey, there are no earmarks in there.

That is one of the peculiarities of the rule, the way the Democrats have written it as far as providing transparency. All you have to do is take your bill, that could be chockfull with all of your favorite pet earmarks from the cardinals and the chairmen of your committees and all your other friends, and the ones requested by lobbyists and what have you, and all the Democratic majority has to do is say, we hereby say there are no earmarks in here, and that is it. You and I can come to the floor and rail about it all we want and say, yes, there are. Look at page 72, line B. Here is an earmark.

That is exactly what happened with the SCHIP legislation. They said there are no earmarks here. Lo and behold, there are. There are literally billions of dollars in earmarks in that going to special projects and special hospitals across the country, and you and I would not know about it if we were just to trust them and take them at their word.

Mr. GINGREY. Mr. Speaker, I thank the gentleman. As we talked about earlier in the hour, as we are approaching the culmination of our time, this earmark that is described in the USA Today on the front page talks about $1 million for some Woodstock museum.

Some of us who grew up in the deep south who remember reading about Woodstock and seeing the video clips were somewhat appalled about what went on there, Mr. Speaker, so I am sure that that would be an earmark that Mr. FLAKE or Mr. HENSARLING or Mr. GARRETT or myself would like to stand up and say, I don't care if it is to some billionaire Republican making the request, and then the next day writing a check in the aggregate of $29,200 to the two Senators from New York. Maybe that is within the legal rights to do that, but it sure doesn't pass the smell test.

That is where we are. I have talked to my colleagues about, well, how could we possibly take this a step further, those colleagues who really agree with me that this process is totally out of hand, and maybe phase out earmarks over a 3- or 4-year period of time.

□ 2045

Obviously another way to approach it would be to say drop a bill that says we totally eliminate, or drop a bill that says we are going to have a 1- or 2-year moratorium. I could support either one of those.

But if Members still feel very strongly that a Member-directed initiative done correctly have merit and value, then the bill, I think, I am presenting will put some fairness into the process.

I yield to my friend.

Mr. GARRETT of New Jersey. None of these things, as good as all these ideas are, are going to happen unless the majority party, the Democrat Party, Speaker PELOSI agrees they are actually the right thing to do and are willing to move the legislation.

Your bill that would move in the direction that the American public wants us to move, to rein in excessive spending, to rein in earmarks, to put a clamp or a lid on them, to move in the direction of moving them out entirely

or at least scaling them down, will not move unless the Speaker, Speaker PELOSI, says that is a good idea and she will post the bill.

The legislation that you spoke about at the top of hour regarding the discharge petition that the Republican leader has that would expand earmark information to not just appropriation bills but also to authorizing legislation, to clean up some of the areas that have given them the latitude to actually continue to hide this information from the American public. That piece of legislation will not move unless the Democrat Party and Speaker PELOSI finally hear from the American public and realize this is what the American public wants us to do and wants us to move that legislation.

It is still early in the evening. It is only a quarter of 9. I am sure Speaker PELOSI is in her office or somewhere in the Capitol as we speak. I would invite her to come to the floor right now and join us with either one of those pieces of legislation. Maybe you could recite the words right back to her that she said some time ago, and remind her of what she said when it comes to the issue of giving transparency and openness. I would invite her to come to the floor and join us in this debate this evening, to say she will move these, will move these things in the next days, weeks. Just before the winter holiday so when we leave here in the next several weeks or months, they, we can say in the first session of the 110th Congress we finally gave the American public what they were promised when the Democrat majority came into Congress. I will eagerly await her arrival here.

Mr. GINGREY. The gentleman is exactly right. The Speaker could say forget about Minority Leader BOEHNER's discharge petition, we are going to bring it up under regular order. We are going to do the right thing. We are going to do what I, Madam Speaker, said she would do in September of 2006.

Mr. Speaker, I appreciate the opportunity to be here tonight and I thank the gentleman from New Jersey (Mr. GARRETT) for taking this hour and to say to colleagues on both sides of the aisle, I think most of my colleagues would agree, even though I had to rebut the four outstanding freshmen Democrats that had the previous hour regarding the SCHIP program.

I think most of my colleagues would agree that I am not a real partisan Member, and I enjoy comity. That is the way I think it should be. But we have a problem here in River City, whether it is Republican leadership or Democratic leaders.

Mr. Speaker, I truly believe that the party, if it becomes partisan, the party that will take hold of this idea and pledge to the American people that we are going to do something about it once and for all, and as Mr. FLAKE has said to me often, it is one thing to air out our laundry, but we need to clean it. We don't need to just air it, we need to clean it up. I agree with him completely. Again, I think the party that will adopt that or fight for it is the party that either deserves to keep their majority or regain their majority.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. SPACE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House. My good friend, the gentleman from Georgia (Mr. GINGREY), we have traveled together and served together. I want that chart that he has. I keep asking him for it. About how when Democrats take control, pork barrel spending is cut in half. I appreciate it. I am glad for his accuracy.

It is so good to serve with my colleagues up here in Washington, D.C. I am here with my good friend, Congresswoman WASSERMAN SCHULTZ. Our districts neighbor each other in south Florida. We have been good friends for a long time. We are here tonight part of the 30-Something Working Group.

Mr. Speaker, as you know, we come to the floor once, twice, and when we can three times a week to share with Members issues we are working on here.

We want to make sure that all of the Members are fully aware of what is happening in Iraq. As of today, October 17, 10 a.m. report, there have been 3,824 deaths in Iraq. The total number wounded in action and returned to duty is 15,604. The total number of wounded in action not returning to duty is 12,674.

We want to make sure that is not only a part of the CONGRESSIONAL RECORD, but that every Member of Congress understands the sacrifice those who are in harm's way are making. And those of us who are policymakers, that we make sure that we take the appropriate steps to do away with that number continually going up on a daily basis.

Mr. Speaker, I want to turn it over to my colleagues that are here, but tonight I just want to take a point because the President today had a press conference. We did some good things. We gave out a Congressional Gold Medal today, and the President decided to release a press release driving over to the Capitol here.

It was very interesting. In his statements he said that the 110th Congress, Democratic-controlled Congress, whether it be House or Senate, they need to go to work. That is interesting because I have record-breaking information here. We have taken more rollcall votes than any other Congress in the history of the United States of America. We are working 5 days a week in many cases. We have deaths or what have you. We have to pause for that. And national holidays and religious holidays that need to be recognized because there is sensitivity towards that.

But I can't understand, we start talking about going to work. Let me read down the list of things we have done. The 9/11 Commission recommendations, all of them, to protect America from terrorism, passed. And the President said he wasn't going to sign it, but the American people pushed him and said they wanted to be safe, and he finally signed it.

The largest college aid expansion since 1944, the GI bill, saving the average American $4,400. The President said he would never sign that bill. Because of the hard work of Members that voted for that bill, and these are bipartisan votes. I want to make sure that those who are paying attention to what we are saying here on the floor, those Members and Americans, that they understand this is not a Democratic message, this is a bipartisan message on behalf of the people of this country.

The minimum-wage increase which raised the minimum wage for some 13 million Americans, passed and signed into law. The President said he wasn't going to sign that, but it was such a good piece of legislation. People wanted it to happen for many, many years. We said we will not allow the Members of Congress to receive a pay raise until we give the American people a pay raise.

Innovation agenda to promote 21st century jobs, passed and signed into law. All of this was signed into law at like 7:30 on a Friday evening as the President is leaving to go to Camp David.

Again, tough lobbying and ethics reforms that many of the independent reform groups are so happy that finally passed off this floor, through the Senate, and signed into law.

Reconstruction assistance for the gulf coast disaster hurricanes, never would have happened, Mr. Speaker, if it wasn't for the push of this Democratic Congress. Actually, I remember when they had two amendments that came to the floor, one to give assistance to the victims of Hurricane Katrina and Hurricane Rita, and one to continue the funding for the war for 3 months, they came in two amendments, never would have happened if it wasn't for a Democratic-controlled Congress pushing it through.

Expansion of life-saving medical research stem cells, passed on a bipartisan vote, vetoed by the President. Okay.

Again, health care for 10 million children and working families, passed by a bipartisan vote. A bipartisan vote which tomorrow, and we are going to talk about that here tonight, the Senate has the votes to override the President and there are some Republicans that are saying that they are going to take that vote. We have a problem here in the House because we don't have some of our friends, and I do mean some of our friends because some of our friends on the Republican side of the aisle are going to be voting with Democrats. Not with Democrats, but just to

vote on behalf of children in the United States of America. We are falling eight or 10 short of those votes. I want the Members to be aware of that.

The largest veterans increase in the 77-year history of the VA passed this House and we are still waiting on it to make it through the process and hopefully the President won't veto that.

Landmark energy independence and global warming initiative, that is something that is very, very important. Also, we have other pieces of legislation that are out there.

Actually since the partisan politics started, not partisan, but some of the folks being partisan on this, 45 that we had last time of Republicans that joined Democrats on that bipartisan vote, so that's not 10, that's not 15, that's not 20, that is 45 of our Republican colleagues that, because of the Democratic leadership bringing it to the floor, knew it was a good idea and voted on behalf of their districts.

With that, I want to make sure, just in case someone gets confused about that issue, because we are going to talk about SCHIP. We are going to do a hard push on SCHIP because this is about children's health care, and it is very, very important.

I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you. It is wonderful to be here with my good and long-time friend, Mr. MEEK of Florida, and our relatively new friend, Mr. ALTMIRE from Pennsylvania. I have to tell you, Mr. ALTMIRE, it has been such a pleasure to have the 41 new freshmen Members of our Democratic Caucus join us in being able to move this country in a new direction. It has really injected a vibrancy, a new vibrancy, an energized vibrancy, into our caucus. You guys are fresh from the campaign trail, as Speaker PELOSI always talks about. You came with stories from the grass roots and talking about things that people in America care about.

Oftentimes what happens in this institution here, we get a little stale and crusty. When we are all making, many of us, policy thousands of miles away from our constituents. Myself and Mr. MEEK, we are a thousand miles from our constituents. You are a good 2 or 3-hour drive from yours. Mr. MURPHY is a little further than that. It becomes easy to be desensitized to what the real needs and concerns are. We get wrapped up in how important Congress supposedly is, and that is when it gets dangerous.

That is what happened to our friends on the other side of the aisle when they were in charge over the last 2 years. They were engulfed by a culture of corruption. They really engaged in the priorities of K Street and the priorities of the wealthiest people in America instead of the priorities of the average working family, and that is what SCHIP is all about. That is what the Children's Health Insurance Program is all about. It is about getting basic health care, not to people who make a lot of money, not to people who have private health insurance as the President has said who would supposedly drop it if they were suddenly eligible for SCHIP, but for people who are the working poor, the people who fall in the huge gap that exists between not qualifying for Medicaid and not being able to afford to buy either the insurance that your employer provides you or buying it on your own.

So what that means is that if you don't have a children's health insurance program that your child is eligible for and that your child has access to, then you are using the emergency room as your primary means of health care. So I am so glad we had the infusion of energy from your class, Mr. ALTMIRE and Mr. MURPHY, so we could make sure we could pass bipartisan legislation like the Children's Health Insurance Program.

Mr. MEEK referred to the President's comments about how Congress needs to get to work. Again, it is funny. It is humorous. It is actually sad. I joined Congress in the 109th Congress, the term before Mr. MURPHY and Mr. ALTMIRE, and a couple of terms after Mr. MEEK. We were in session in the 109th Congress a total of 89 days.

□ 2100

Now how many days are there in a year?

Mr. ALTMIRE. 365.

Ms. WASSERMAN SCHULTZ. Okay. And I actually don't know how many of those 365 days are weekends. So, you know, if you discount those, I can't really calculate the math that quickly, but just a couple hundred, right, couple hundred days, and we were in session for 89. It was a record low for the history of the Congresses. We were known as the do nothingest of do nothing Congresses.

So I think the President needs to take a look at history, maybe open a history book, maybe open a book, and take a look at what actually goes on here in the 110th since Democrats took control versus what was going on for the last 12 years.

We're about making sure that we get the America people's priorities in focus: children's health insurance; making sure that we can focus on alternative energy sources; making sure we can expand health care for more individuals; truly end America's addiction to foreign oil; recognize that global warming is a problem and not just say that it is and do nothing. We want to make sure that the future is really bright for the American people.

Mr. ALTMIRE. I wanted to talk a little bit about what the President said today as well, and he focused his remarks in large part on the SCHIP vote that we're going to take tomorrow in this House. This, as we speak, is the day before we're going to take a vote on whether or not to override the veto that the President put forward on a plan that passed with overwhelming bipartisan support from both Houses. Sixty-seven Members of the United States Senate and 265 Members of the House voted for the SCHIP bill, bipartisan.

And one of the things the President put forward today and has said in the past as well, we need to compromise; we need to come together. Well, I would say to the President, Mr. Speaker, that we have, in fact, made substantial compromise. We have come together as Republicans and Democrats. We put forward a bill in the House. The Senate put forward a bill. We conferenced a bill. We came to an agreement that passed with overwhelming support among both parties. We sent it to the White House, and the President, as he certainly is able to do under the Constitution and is his right to do so, he vetoed the bill, and we're going to have a vote tomorrow on whether or not to override the veto.

But don't pretend that this was not a compromise piece of legislation that took weeks and months to hammer out the details and to work together with Republicans and Democrats alike, voting to support this piece of legislation that enjoys 70 to 80 percent approval in the country according to recent polls.

I wanted to talk a little bit about what the President said were his problems with the SCHIP bill, and one of the things that he continues to throw out there as well: this is socialized medicine; this is a big Federal Government program that's a movement towards Big Government health care. And that just could not be further from the truth.

Let's take a look at what the SCHIP program is. This is a capped block grant. The money is capped from the Federal level. It's sent to the States and the States carry out the program. It's a State-administered program, and almost every State in the country contracts out their SCHIP program in the private health insurance market, in the private market. So this could not be further from the big Federal Government takeover of socialized medicine scheme. It's administered in the private market.

We could spend our entire hour here tonight listening to groups that have endorsed this bill, but for the purposes of refuting what the President says, I would point to the health insurance industry in this country, which is certainly never going to support anything that's remotely close or a movement towards federalized health care, socialized medicine. They support this legislation, as does, as Speaker PELOSI often says, everyone alphabetically from the AARP to the YWCA. This has overwhelming support around the country, overwhelming support among Republicans and overwhelming support among Democrats.

So, again, the President's welcome to veto this bill. He's able to do so, and he exercised that right, but let's be truthful about what's really in this piece of legislation.

He talks about how it affects families making up to $83,000. Well, what are

the facts behind that claim? Where did that number come from? That comes from the fact, as I said, this is administered by the States, and I would welcome my friend from Ohio, Mr. RYAN, as well, who has taken a break from watching the Cleveland Indians tonight.

We have $83,000 as 400 percent of poverty. There was one State in the country, New York State, applied for a waiver. Four hundred percent of poverty they wanted to cover. That waiver was denied. It did not take effect. No other State in the country does it.

Mr. MEEK of Florida. I would like you to just yield for a minute because, as you know, in the 30-something Working Group we always enjoy seeing our friends come by, and the majority whip came to the floor, heard we were talking about children's health care, and thought he would just stop by and share something with the Members, and I yield to him.

Mr. CLYBURN. Mr. Speaker, I want to thank the 30-somethings for allowing me to intrude on their discussion here this evening.

I think that tomorrow when we come before the American people to take a vote on whether or not we ought to override the President's veto, it's a very important program. I think it's important for the American people to think about a couple of mischaracterizations that have gone on concerning this program.

First of all, we are hearing our friends on the other side call this Children's Health Insurance Program some kind of step towards socialized medicine. I find that very strange that when the President came before the American people, asking for a second term, at his convention, when he accepted the nomination, he called for an expansion of the Children's Health Insurance Program, and I think we ought to ask ourselves how can a program be socialized medicine for 10 million children but it's not socialized medicine for 6 million children. I think that it says something about the commitment that the President made to the American people and to his own party at his last nominating convention.

Second mischaracterization I think that the American people ought to really think about, and that is the accusation that this Congress, our party, the Democratic Party is ignoring poor children by pushing this program. The fact of the matter is lower-income children will have an opportunity through Medicaid. That's there now. It's been there for a long time.

SCHIP was not designed for that purpose. This program was designed as middle-income relief, relief for middle-income families, for families whose children are in need of health care, but their incomes are a little bit too high for them to qualify for Medicaid but not high enough for them to be able to afford the health care that they need in the private market.

So I think that tomorrow, as we get ready to say to the American people exactly what our values are, I think that the people who are planning to vote to sustain this veto ought to ask themselves what is it that I'm doing, and I think that what they will be doing would be denying health care, denying to children, they will be denying relief to the middle-income families who work every day trying to make ends meet, but while they're trying to feed their families, to provide for their educations, to shelter them, they do not have enough left to afford the kind of health care that they need.

So I want to thank you all for highlighting this program this evening, and I know that for the 30-somethings it may not be all that important now but for us 60-somethings, this is a mighty important program for our grandchildren, and thank you so much for allowing me to intrude this evening.

Mr. MEEK of Florida. Thank you for joining us.

Mr. ALTMIRE. It was great to hear from one of the true giants of this House, the distinguished whip from South Carolina, Mr. CLYBURN. Thank you for joining us tonight.

I was talking about this $83,000 income level that the President continues to throw out there, and it's factually inaccurate. It's just completely false.

As I was saying, the history of it is New York State, one State in this country, applied for a waiver, attempting to reach the 400 percent of poverty level. That waiver was denied, never took effect. Those families were not covered, but the President uses that as his example of what could happen if we put this legislation forward.

Well, the reality is, as under current law, it doesn't change in our bill; it would have to be approved. Any change in income up to that level would have to be approved by the administration. So if the President did not want to see any State move forward, he would say that that is denied, as it was denied when New York State tried to put that forward.

So to say that the $83,000 figure is the reason for his veto is just factually inaccurate, at least using it as an example.

Importantly, the bill that we passed limits the Federal matching percentage and gives States a strong disincentive for going above 300 percent of poverty which would be about $62,000. So the States have a strong incentive to not even attempt to go above 300 percent of poverty; and as I said, it's inaccurate for the President to say that that's the reason for his veto.

So I'll continue a little bit later on that, but we're joined by Mr. MURPHY from Connecticut, and I mentioned earlier that Mr. RYAN from Ohio has been watching the baseball playoffs. Well, unfortunately, Mr. MURPHY from Connecticut is on the other end of that.

Mr. MURPHY of Connecticut. We needed an off night tonight. We got an off night from the playoffs. So those of us that wallowed in the Boston defeat are glad to have a little separation to let our team regroup and rethink how they're going to approach this.

It's rare that we have five members of the 30-somethings here. As the two new Members here, I want to make sure we understand our place. So I'm going to be very, very brief and just say this: To add on to all the great reasons why we should do this, this is reaching out to families that have done everything that we've asked them to do; they're playing by the rules. They simply can't afford insurance in a market in which in a State like Connecticut you're going to pay $8,000 or $9,000 out of pocket before an insurance company picks up dollar one for the average family plan that you look at on a lot of these insurance programs.

It's the right thing to do because it saves money in the long run because you're getting preventative care to the kids that are going to end up sick and in the hospital later on and end up costing the system way more money because you didn't invest in prevention and end up paying for crisis care.

I think it's also important to note that this bill is paid for. This bill is part of an effort here in this Congress to advance some of the most important programs in the middle class. We're talking about health care programs, student loan programs, minimum wage and do it in a way that doesn't add to this enormous, unfathomable deficit that the Republican Congress put us under.

Let's just talk about the facts, because Mr. RYAN and Mr. MEEK especially talked about this over and over and over again on the floor here.

When the Republicans took control, they had a $5.6 trillion surplus that President Clinton left them with. They have now turned it into, along with this President, a $2 trillion 10-year deficit. The debt which started at the beginning of the President's administration at $5.7 trillion has ballooned to $9 trillion.

So our biggest task here is to make sure that we don't add to that just unbelievable amount of money that this country and every single citizen here owes, and guess what, we are able to do that, to pass a 5-year budget that's going to be balanced after 5 years, to pass a rule that mandates that we don't spend a dime of new money without accounting for how we pay for it. We're able to run the most fiscally responsible Congress that this country has seen in a very long time, while maintaining our commitment to expand programs that help the middle class.

That's what we have to remember when we talk about this SCHIP bill, the children's health bill, is that this isn't more deficit spending. This is targeted spending on people who need it, the middle class. It's paid for.

Mr. RYAN of Ohio. Remember the beginning of this Congress that we gave an opportunity for every Member of this House to vote against paying the

oil companies about $14 billion in oil subsidies, and a lot of our friends, who are now voting against the SCHIP for fiscal responsibility reasons, voted to make sure that we could not take that basically corporate welfare that we were giving to the oil companies. They voted to sustain basically that corporate welfare that was going to the oil companies.

But it's important for us to recognize that Members of the Republican Party, the same Members who were voting against SCHIP, voted against the Democrats pulling the money from the oil companies and putting it back into alternative energy, to health care, to education, all these. You had this opportunity to do this, and they refused to do it.

□ 2115

And to say now that you are going to draw the line in the sand, Mr. ALTMIRE, you are going to draw the line in the sand on children's health care after raising the debt limit, as the gentleman from Connecticut just mentioned, five times they have asked to borrow more money from China, from Japan, from OPEC countries. Now you are going to draw the line in the sand on children's health care?

Now, people are sitting at home saying, I don't know a whole lot about politics, Mr. Speaker, but my goodness gracious, you are picking this battle now on the backs of children. And I don't know, I didn't get to hear your whole argument on socialism. But my question is this. If everyone is saying that this is socialism, that this is somehow a socialistic step towards national socialized medicine, why are you negotiating it in the first place?

Mr. MEEK of Florida. And the good thing about the 30–Something, we really get into a conversation about this. And behind you, you can see, I will let you explain that chart there. But I want Ms. WASSERMAN SCHULTZ and I just to share a little bit. You say that everyone is saying that it is socialized medicine. That is not the case. Do you know who is saying that? The Bush administration. Do you know who else is saying that? Our friends on the Republican side that are not even thinking about health care. They are thinking about how I need to protect the GOP philosophy on Capitol Hill. Not in America.

Let me just read this here. CBS News poll that was taken says, and here the headline goes and you can go on, it says CBSnews.com. Don't believe me. You can go on there if you don't believe what I am telling you. This came right off of this sheet here: Do you favor or oppose expanding the children's health care plan? Eighty-one percent said I am in favor of it. I am in favor of the Democratic plan. And the headline goes: Most backed Democrats and kids health care fight. It says, those that oppose, 15 percent.

So, Mr. RYAN, when we look at that, we have to look at it for what it is worth. And I know Ms. WASSERMAN SCHULTZ has something from the USA Today. And I will yield back, but I want to share that with you, Mr. RYAN.

Mr. RYAN of Ohio. I just want to say, the argument that you are going to hear over the next day is socialism. As the gentleman from Florida just said, it is like, what are you talking about? Go in to private hospitals, private doctors, there is no question that this is privately administered. But here is the question. If we peel it back $1 billion or $5 billion, is that all of a sudden not socialism anymore? I mean, at what number do we get to where it stops becoming socialism and it starts becoming a private, some kind of health care system?

The arguments, the strawmen, the red herrings that have been put up on this debate are absolutely ridiculous. And I can't believe the President would draw the line in the sand and just have no arguments to back it up.

Mr. ALTMIRE. Let me add one quote to build on that, Mr. RYAN. This is from one of our Republican colleagues who seems to get this. DAVID HOBSON, a Republican, pretty reasonable.

Mr. RYAN of Ohio. From Ohio. A good guy.

Mr. ALTMIRE. Talking about the President, he said, ''I don't know who is advising him up there, but the President is really out of touch. It is too little, too late for him to be a fiscal conservative. He should have vetoed the farm bill. Now, he is against the SCHIP bill, and he wants $190 billion more for the war.''

So there are Republicans who get this. The President and a lot of these so-called fiscally conservative Republicans are Johnny-come-latelies on this issue. All of a sudden, after ballooning deficits and skyrocketing spending, now, when it comes to kids' health they are going to all of a sudden be fiscal conservatives. So it is nice; we are talking about this year's Democrats, but there are some Republicans who get that as well.

Ms. WASSERMAN SCHULTZ. Mr. MURPHY, Mr. RYAN, Mr. ALTMIRE, Mr. MEEK, we in the 30–Something Working Group generally try to make sure that the people that are able to listen to us, our colleagues, the Speaker, and anyone else within the sound of our voice, when we do these round robin conversations on the House floor we ask people not to take our word for it. We ask people to look at the third-party validators that we present on the floor and judge for themselves. We are presenting the facts here, not just making stuff up and talking in flowery sound bites.

Let's look at today's editorial in USA Today. What they said today about the President's veto and what action Congress should take tomorrow is our view on the children's health program. Bush Gives Bogus Answers to the $83,000 Question. That is the headline on the editorial. In summary, the main quote which summarizes the body of their editorial is that, ''Bush's claim is misleading at best, simply wrong at worst. The House would do well to look past the President's deceptive rhetoric and override his veto.'' That is USA Today's editorial from today.

We are going to cast this vote tomorrow, my friends, and people have a choice. When they swore to uphold the Constitution, at the same time we know that they made a commitment to their constituents to stand up for them; and that when you represent your constituents in government, you are supposed to do that and be there for people who don't have a voice. That is what this vote is about. It is who is for kids, and who stands with the President. It is very stark, very black and white.

Mr. ALTMIRE. I want to talk about that very point. The editorial that you held up hits the nail precisely on the head. If you are the President of the United States and you want to veto this bill, at least be factually accurate and honest about why you are vetoing the bill.

Mr. MEEK of Florida. Mr. ALTMIRE, I mean, factually, you said factually accurate? This whole administration is about misperception. It is about look right, we are going left. I mean, it is not about that. The good thing about it, Mr. ALTMIRE, is that you were elected and your colleagues were elected in this last Congress that brought about that paradigm shift. And that wasn't because it was something great that an individual did; that was the fact that the American people wanted to move in a new direction. Now we are moving in that new direction. We have the same game, but the Congress is changing, and we are not going to allow that to happen. And I am glad that the Speaker is saying, listen, we are going to insure 10 million children, period, dot, and we are going to stand there.

Ms. WASSERMAN SCHULTZ. The only thing I want to jump in on, Mr. ALTMIRE, is that the bottom line is that the track record of this administration is that generally the facts are not on the side of their argument, so they have to make it up. I mean, that has been their M.O. the entire, we are on 7 years now, their entire administration. When the facts aren't on your side, make it up. And just like Mr. MEEK has said repeatedly on this floor during our working group sessions, make it up and repeat it over and over and over again, and hopefully people will believe it is true. Only the people are on to them now.

Mr. ALTMIRE. We have had many 30–Something sessions on that very topic and a variety of issues. My point on the SCHIP bill and the veto override vote we are taking tomorrow is, if you are going to threaten to veto or you are going to veto the bill and justify the veto, be honest about why you are doing it. Just say, ''Look, I don't agree with expanding the program. I don't think this is a good program. I don't want to do it.'' That is his prerogative

to make that case. Don't say it is too expensive when it doesn't cost one additional penny, it doesn't add one additional penny to the Federal deficit. This bill is paid for. It doesn't add one penny. Don't say it is too expensive.

We talked about the $83,000 in your chart and the USA Today, and everybody who has looked at this knows that is a false statement, to say that this allows you to go up to $83,000 unchecked, and the socialized medicine that we talked about. Don't throw those out there, because they are not only not true, they are blatantly false. So don't say that is why you are vetoing the bill. Just say, ''I don't like this program. I don't want to expand it. I don't want to give health care to 10 million children.'' That is his prerogative to say that. That would be a more accurate statement than the reasons he is giving us to veto this bill.

We have four people who want to speak.

Mr. MEEK of Florida. Mr. RYAN wants to say something, but I want Mr. MURPHY to say something because he stood up and he likely had something he wanted to share. Ms. WASSERMAN SCHULTZ and I are always willing to share, because we have a whole notebook full of stuff that we are just ready to take off on.

Mr. MURPHY of Connecticut. I don't have notebooks; I just have loose scraps of paper. I haven't reached that level of organization of veteran Members like yourselves.

Let me talk about one more myth. There is not a bill that comes before this House, and you and I, Mr. ALTMIRE, are new here, so we are figuring this out as we go along. But there is not a bill that comes before this House that somebody on the other side doesn't scream ''illegal immigrants'' over. Right? That is just sort of the buzz word that accompanies every bill here.

We had a Native American housing bill before this House a couple of weeks back, and somebody on the other side filed an amendment to make sure that no Native American housing benefits went to illegal immigrants. Now, I know that we run our programs pretty inefficiently in this country, but you have to really mismanage the Native American housing program in order to give some of the housing to illegal immigrants.

So what they are saying on the other side is that this children's health care bill is going to go to illegal immigrants. Not true. Find me anywhere in that bill that allows for that. In fact, Mr. ALTMIRE, it doesn't even allow for those health care benefits as part of the SCHIP program to go to legal immigrants, people who have their papers, did everything right, are waiting to become citizens of this country. They can't get the children's health care program under this bill.

Mr. ALTMIRE. It is expressly prohibited under the bill.

Mr. MURPHY of Connecticut. It lays it out, black and white. So yet another example of if you say it over and over again and you hope that people believe it. As we have said over and over, the agenda here is pretty clear. Republicans and the President simply do not want this Congress to extend basic foundational health care rights to middle-class, to kids, and they are coming up with all sorts of crazy arguments that don't have truth, a strain of truth in them to try to stop them.

Mr. RYAN of Ohio. I just hope our friends who are opposing this bill to cover children's health care because of the cost of it, which we are paying for, will scrutinize the Iraq spending as it starts to come up over the next few weeks and few months. As we went over already, one day in Iraq, $330 million would cover 270,000 kids for a year for this program. That is one day. And if you go through 1 week, $2.3 billion would cover 1.8 million kids. And less than 40 days in Iraq would cover all of these kids that we want to cover, 10 million kids, for 1 year. Forty days in Iraq. And all we are saying is our priority is this.

Now, I just want to take a minute here to just go over what has happened over the past 8 or 9 or 10 months here in Congress, what we have done, how we have shifted the priorities. We have the same Members who are voting against this bill who voted against the minimum wage increase. We have the same Members who are going to vote against the children's health care bill are the same members who voted against us increasing the Pell Grant and cutting the interest rates for college loans in half, the same group of folks.

When we wanted to invest all this money in alternative energy research, we took it from the oil companies, corporate welfare, put it into alternative energy research. The same group of folks that voted against this SCHIP bill, children's health care bill, voted against that, too. And all of these issues come up. The only thing we can get them to agree on is probably the veterans spending, which was the largest increase in the history of the VA.

So what we are saying is there is a pattern, Mr. Speaker, there is a pattern of behavior of a certain fringe group of people who are here that even very conservative people have agreed with us on this issue, and we can't get enough to override the veto.

I don't know about you guys, but I have got a little restaurant I go to back home called Vernon's Restaurant, Vernon's Cafe, great Italian. But when you are sitting there and you are eating and you are talking to your friends who go through everyday life, they are talking about their student loans, they are talking about health care, they are talking about what are we going to do to stimulate the economy? Why are we so dependent on foreign oil? And we all have our own little Vernon's in all of our communities. We are trying to address these bread and butter economic issues, and I think we have in this Congress. And the one that lays before us here is children's health care. For God's sake, Mr. Speaker, God help us if we can't pass children's health care.

Mr. MEEK of Florida. Mr. RYAN, it is good that all of us agree here that is on the floor here tonight, along with hundreds of other Members of Congress. But it only takes a very small percentage of numbers to say ''no.''

And what is interesting, Mr. RYAN, when we start talking about fact versus fiction; be accurate if you are going to share something. Accuracy is not necessarily a value here in Washington, D.C. We pride ourselves, Mr. Speaker, here on the 30–Something Working Group, we go through a lot of pain and suffering and research and all of that to make sure that what we are sharing with the American people is actually fact and not fiction. If we had more fact, we would have better policymaking here in Washington, D.C.

The fact that the President would say, oh, well, you know, the Democratic Congress needs to go to work, when we broke records in the history of the Republic of 980 rollcall votes. And that is not just post offices. That is major policy that has passed off this floor.

Still saying that, what Mr. RYAN is saying, the bottom line is as we go into the last closing minutes of our time here on the floor, the bottom line is we are going to see a separation from those that are willing to lead and those that are willing to follow tomorrow.

□ 2130

There's going to be a supermajority vote to vote for children's health care to override the President of the United States. The only time he ever vetoed a piece of legislation last Congress was dealing with the stem cell research bill, and he did that. Okay. But now, every week he's threatening a veto. He's threatening a veto.

Mr. RYAN, over there, has a chart that shows how record oil prices under the Bush administration are continuing to climb to today's oil prices rate that is at the top, that's record-breaking at the top.

Meanwhile, we're around here trying to provide health care for children. We have a war that's going on that the President is willing, you know, to say, oh, well, it's okay for us to borrow from foreign nations to continue a war in Iraq, but we're not willing to provide health care for our own children.

And the sad part, and Ms. WASSERMAN SCHULTZ said funny and then we agreed on sad, the sad part is the fact that these are American children. I mean, I've been to Iraq. Mr. ALTMIRE and I have been to Iraq recently, and some of the Members here, we've been. And the real issue is this, is the fact that we went into a health care facility. Iraqi children there are getting health care. I mean, you have U.S. troops that are in neighborhoods that are giving shots and evaluations. I don't have anyone in my neighborhood

giving shots and evaluations to all the children and not asking for any documentation if you have health care or not. It's almost universal.

And so we're sitting here, and the President's going to stand on a small ant hill saying, well, you know, I think it's just too much that we're investing, and using some sort of, you know, hocus pocus talking about social medicine.

Meanwhile, children are going to the CVS, Rite-Aid or whatever the case may be, families trying to cure themselves. So I just want to make sure, I want to put the pressure on my colleagues to make sure that they override. And in closing, I'm going to send it over to Ms. WASSERMAN SCHULTZ.

Y'all know this chart. This is the first action, one of the first actions that we took as relates to the Iraq war. It had all of the requirements in there to bring our men and women home, put the pressure on the Iraqis to stand up. And the Republicans went down there and stood with the President and said we stand with the President so that the Congress will never override the President. And they may not have one of these because if they do I'm going to have my staff down there with a camera to take a picture to make sure that we have the second picture.

But those that stand with the President tomorrow in not allowing us to override when we have a bipartisan vote out of this House, and we have Senators that are standing up here like ORRIN HATCH, GRASSLEY, a number of other Republicans that are saying, hey, you know, Mr. President, you're wrong. But we have some House Members here that are saying, well, we're with the President. You continue to stand with the President. I would appreciate some sort of public kind of standing out with the President because the bottom line is, I believe those Members, Mr. Speaker, all due respect, they will be at home reading this process in the paper and paying attention to C–SPAN and seeing what's going on because their constituents will not allow a Member to vote against their own children and then say, I want to go back to Congress and represent you.

Ms. WASSERMAN SCHULTZ, I'm sorry I went past 30 seconds when you asked me to yield.

Ms. WASSERMAN SCHULTZ. That's okay because we are all pretty worked up about this. This is really important when it comes down to making sure. I have kids too. And Mr. ALTMIRE has kids. One day Mr. MURPHY and Mr. RYAN are going to have kids. It really matters to all of us.

But one of the important points that we have not made is how effective this program is. The SCHIP program, the Children's Health Insurance Program provides health care to kids who need it and who wouldn't have it if there wasn't an SCHIP program, and there won't be an SCHIP program if we don't make sure we override the President's veto or pass a bill and make sure we keep putting it on his desk until he signs it.

I think it's interesting, the President likes to call himself The Decider. So it's time for him to decide which of the families he thinks shouldn't get coverage, don't deserve health insurance.

How about this family? The Wilkerson family in St. Petersburg, Florida. This is personal, this is the Mom speaking. This is personal not only to us, but for millions of parents across the United States, said Bethany's mother, Dara, in a telephone call Monday with reporters about why she and her husband, Bo, are allowing such a focus on their daughter. Dara Wilkerson said Bethany had to have heart surgery in 2005 when she was 6 months old after doctors told them she had been born with two holes in her heart and a valve that didn't close as it should.

The Wilkersons said their annual household income is about $34,000 from their jobs, and they cannot afford private insurance. But even if they could, Bethany's pre-existing condition, the heart problem she was born with, made enrollment in a private plan impossible, her mother said. Thanks to Florida's version of SCHIP, the State KidCare program, she said Bethany gets the care she needs to recover from her lifesaving surgery.

Those are the kinds of kids that get coverage that wouldn't get it if not for the SCHIP program. Those are the kinds of kids that our colleagues who choose not to vote to override the President's veto tomorrow are going to deny.

And that's the last thing I wanted to say as we wrap up since we've got five of us here tonight, and I don't know who to throw it to.

Mr. ALTMIRE. I just have one more myth that I wanted to throw out there that none of us touched on, before our time runs out, and that's this idea of this bill promoting adults being in the SCHIP program. And the President used that as one of his examples. He talked about it today and has talked about it in the past.

Well, what are the facts of adults being in the SCHIP program? It is true that under the current SCHIP program, the plan that is current law and has been for the past 10 years, some States have made the determination to cover the parents of children, thinking that that will entice them to take their entire family to the doctor. And that's debatable. It's something that's certainly under a policy discussion we could have that debate.

But what does our bill do about that? Our bill's a reauthorization of the program. And the President says we're going to encourage adults to get into the program. Well, you know what our bill does? Our bill phases out adults being eligible for the program over a 2-year period. And after that 2-year period, the only adults that would be allowed into the SCHIP program are pregnant women, if it's determined by the State, again, it's a State option that they should be covered, and there's no guarantee that any State in the country would do that. But we phase out the current part of the SCHIP bill that allows adults into the program.

So for the President of the United States to stand up before a camera and say, I'm going to veto this bill because it allows adults to get coverage under SCHIP, is again just factually inaccurate.

So with that, if Mr. MURPHY is ready. I will yield some time to him.

Mr. MURPHY of Connecticut. I just think in the end this is about choices, Mr. ALTMIRE. Mr. RYAN was talking about it before. This is about whether you want to continue to throw billions upon billions of dollars into a war in Iraq that, frankly, is probably making this country less safe rather than more safe as it breeds terrorism and Islamic jihadists within the boundaries of Iraq.

It's about whether you want to continue to give away $12 to $18 billion of tax breaks to the oil companies that the oil companies themselves say they don't need to continue putting products into the American market. Do you want to continue to subsidize the drug industry, which is making out like bandits off of a prescription drug program that pads their pockets and their profits, as we just found out from a new report from the Government Oversight Committee that tells us that we're wasting $15 billion a year on the Medicare prescription drug program.

You want to help drug companies or poor kids? Do you want to help oil companies or poor kids? Do you want to throw more money in a religious civil war, or do you want to help poor kids? I mean, the reason why these polls, one after another, come out pleading with Congress to get its act together and pass children's health care is because everybody out there in the community, at the social halls, at the union halls, at the churches, at the synagogues, at the pasta suppers and the pancake breakfasts, the PTA, they've all figured out that we're making the wrong choice; that in the end the choice is easy. You help middle-class families afford college. You help them get health care. You boost their wages up to a livable wage, and you can do that without spending another dime in taxpayer money in the end. I mean, that's the great thing. You don't want to have to raise anybody's taxes to do it. You just make different choices. Iraq, oil companies, drug companies, instead, minimum wage, health care, kids going to college. I mean, that seems like common sense, Mr. RYAN.

Mr. RYAN of Ohio. Well, the one thing that is important too, I mean, a lot of people would say that, you know, well, my kid has insurance and we're fine and everything else. You know, but if your kid's sitting in a classroom with a kid who is sick that does not have health care because they don't

qualify for Medicaid, they're going to get your kid sick. And I think this kind of ties the whole argument together that we are in this together. You know, we have to make very sound, prudent, targeted investments in certain areas that are going to yield a lot of benefits.

These are the same kids we're asking to go off to college and get a degree in math and science. But if at a young age these kids don't have health care, where they can, if they get sick, have something, and I find it completely outrageous that in 2007 we would have a President of the United States say, go to the emergency room, or these kids can go to the emergency room. I mean, that's just ridiculous. That's just ridiculous. You don't have to be a Philadelphia lawyer to figure out that it's going to cost everyone a lot more money if this kid that has a cold ends up two weeks later in the emergency room with pneumonia or something worse and spends two weeks in the hospital.

I mean, that costs us hundreds of thousands of dollars, as opposed to a prescription that would cost 20 or 30 bucks. I mean, this is some pretty basic stuff here. And the fact that the President has drawn the line in the sand on this doesn't make a whole lot of sense.

So in closing, I want to thank everybody, Mr. Speaker, for being here and for participating in the 30-somethings. But I also want to say that it's been a very enjoyable week for those of us who are baseball fans in northeast Ohio. Those folks who may happen to be in, say, Pittsburgh or like Florida, or like New England for example, who, baseball season ended a long time ago for some of you, and others who are not faring as well, our sympathies go out to you. But in Cleveland, northeast Ohio, Youngstown, Akron, it's been a great week, followed up by a great week we had a few weeks ago. And many of you may not know, Mr. Speaker, that the new WBO/WBC middleweight champion of the world, Kelly Pavlick, is from Youngstown, Ohio, too.

Ms. WASSERMAN SCHULTZ. Mr. RYAN, I'll just remind you that our weather is still always better than yours.

Mr. MEEK of Florida. And also, Mr. RYAN, you shared that with us last week; you shared that with us the day before that. We're happy that the welterweight and middleweight champion is from Ohio.

Mr. RYAN of Ohio. Mr. Speaker, I'm not getting the kind of happy vibe from my friends.

Mr. MEEK of Florida. Mr. RYAN, we were very mild. Those of us from Florida were very mild when the University of Florida, and I'll take this from Ms. WASSERMAN SCHULTZ because if she says it she may not be as mild as I am when a certain team in Ohio, not only in football, but basketball, found themselves, no I will not yield. So what I'm saying, this whole dancing in the end zone experience that you're having now about going on and on and on, Florida, I mean, the Marlins are nowhere in this thing, and we had nothing, we're just sitting here quiet, doing an hour with you and we're not, we're not talking sports, we're all friends. We're talking about children's health care.

But we understand that those victories, the people of Youngstown, Ohio, being in Niles, Ohio, and other cities around it are very represented here under your leadership, sir, and I respect that. And I'm saying there is a limit.

Mr. RYAN of Ohio. I appreciate that. But I think, I want to, for the record, I want to clear this up. He says that the Florida folks weren't dancing in the end zone when University of Florida won the national title. I remember Ms. WASSERMAN SCHULTZ showing up here in like royal blue and orange wardrobe with a purse that had a gator on it. I remember that. So that was a little bit of dancing in the end zone. I am being polite. I didn't even mention the fact that the Ohio State Buckeyes football team was number one in the Nation. I'm trying to be polite here. So if you'd show me a little respect.

Mr. MURPHY of Connecticut. Mr. RYAN, let me ask you a question: When was the last year that your team, the Indians, won the World Series? When was that? It was a long time ago. It was a long time ago. It's just something you might want to remember, that there might be a reason why it's taking so long to get over that hump. There is still a game left, Mr. RYAN.

Ms. WASSERMAN SCHULTZ. Actually, Mr. RYAN, I think the last time they were in the World Series they lost to the Marlins, come to think of it.

Mr. RYAN of Ohio. Can we live in the present? The Dalai Lama was here today, Mr. Speaker, and he's pretty much focused on how we should live in the present moment, and I think it would behoove all of you to take the Dalai Lama's advice on that.

Ms. WASSERMAN SCHULTZ. But we digress.

Mr. MEEK of Florida. Mr. RYAN, we just could not sit here and not give the representation that we were sent up here to carry out.

But, Mr. RYAN, you know, in all seriousness to all the Members, I mean, the good thing about the 30-something Working Group, we work so hard we have to add some humor in every now and then, especially when we work a full day and it's a quarter to 10 and we're still here on the floor.

The bottom line is one of the real historic votes of the 110th Congress will take place tomorrow.

□ 2145

And I'm asking the Members, those that are not willing to override the President's veto of children's health care in the United States of America, and we don't have to worry about any Democrats, but need it be Republicans, I implore you to please reconsider on behalf of the children of the United States of America.

This is not about our children. My kids, they have health care. I am a Member of Congress, but I wasn't elected for my children to have health care. I didn't go out and give the speech, Mr. Speaker, and say ''I want you to vote for me because my children need health care and I need health care. Send me to Washington. And I am not going to vote for you to have health care, but I want my kids to have health care.''

Ms. WASSERMAN SCHULTZ. It's important to point out that you pay for your children's health care.

Mr. MEEK of Florida. Absolutely. Absolutely. But the real issue is this: At least I have a plan that I can afford, and the average American doesn't have that. And especially for these poor families, they need it.

So I don't think that anyone who votes against this went to their constituents and gave the brimstone speech or whatever you want to call it saying, ''I'm going to Washington, and when we have an opportunity to insure 10 million American children that need health care, I am going to vote against it. Vote for me on Tuesday'' and walk away. That did not happen. I guarantee you it did not happen.

And I want those Members to pay very close attention to when they put their card in the voting machine tomorrow and they vote that they look at that red light, if they press red, and correct their vote immediately on behalf of the children who don't have health care.

We are given this card here. This card is to help children, to be able to help Americans have a better life, and if you vote against it, it is really going to be a sad situation for our poorer families that are here in the United States of America and those families that are financially challenged.

Mr. RYAN of Ohio. We joke around about baseball and Cleveland, Mr. Speaker. The Cleveland Indians are doing great, but Cleveland is the poorest city in the entire country. There are a lot of kids in that city who would, hopefully, be eligible for this program and be able to take advantage of it. The same in Pittsburgh and Miami and cities in Florida and certainly Boston. So this is important stuff that we need to deal with and, hopefully, we have been able to persuade a few votes.

Ms. WASSERMAN SCHULTZ. Why don't you give out the Web site.

Mr. RYAN of Ohio. Mr. Speaker, the Web site is www.speaker.gov/30something. But I hope this has been persuasive to folks who are on the borderline here deciding on what to do.

Mr. MEEK of Florida. Thank you. We pray and hope that they join us.

And I just want to thank Mr. ALTMIRE and, you, Mr. RYAN, and Mr. MURPHY and Ms. WASSERMAN SCHULTZ for being here with us.

We will vote tomorrow. We will be on the floor continuing in the debate.

Mr. ALTMIRE, I want to thank you for being very factual on the bill and sharing with the Members what is actually in the bill. A lot of folks don't take the time to find out what's actually in the bill; so I am glad you brought that perspective to the floor tonight.

With that, Mr. Speaker, it was an honor addressing the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SPACE). All Members are reminded that assertions that the President has been deceptive constitute an indecorous descent to personalities and are thus a violation of House rules.

PARLIAMENTARY INQUIRY

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, my understanding of the rule that you just cited is that Members need to refrain from making direct accusations of the President's being deceptive or referring to the President as a prevaricator or any other word that might apply.

What I did on the House floor this evening was read from a newspaper editorial's opinion. I did not directly make any reference. So I wanted to make sure that we clarify that that was not a violation of the rules.

The SPEAKER pro tempore. The gentlewoman is incorrect. The House rules do not permit a Member to make an improper statement under the guise that it is a quote from another.

Ms. WASSERMAN SCHULTZ. I will take that under advisement, Mr. Speaker, but that is something that I would like to look into on my own and would be happy to follow up with the Parliamentarian. Thank you.

THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Once again, Mr. Speaker, I appreciate the privilege of being recognized to address you here on the floor of the United States Congress.

And as I have listened to some of the dialogue that has been rolled out here before me, I think it's imperative that someone come to the floor to bring another voice and another opinion and another viewpoint to this subject matter, particularly of SCHIP.

The first point that I would make, Mr. Speaker, is that the SCHIP issue that has been kicked around this Congress now into its third week that perhaps comes before the floor tomorrow in an effort to override the President's very prudent and well-reasoned veto has been turned into a political issue rather than a policy issue.

SCHIP, State Children's Health Insurance Program, now, one could read that acronym and perhaps get a little better idea of what it stands for by reading the poster, Mr. Speaker. And I have heard presenter after presenter here this evening over on the other side of the aisle address this issue as children's health care and the allegation that the people that are guarding the taxpayers' dollars and seeking to get the resources that are here for the SCHIP program into the benefit of children, those who want a responsible program, those that don't want to chase people off of their own private health insurance but those that want to encourage parents, responsible parents, those who can afford it, to provide the health insurance for their children, those who want to encourage employers to provide health insurance as part of the employment package and keep in that package the insurance of the children, those of us who don't want to grow government, that want more personal responsibility, those of us who respect and appreciate the best health care system in the world, those of us who recognize that if there is a private sector investment, if people are responsible for their own health care, if parents take responsibility for their children's health insurance that this invisible hand that Adam Smith wrote about, this consumer's guide to how the health care in America will be developed, how it will evolve, how the research will be done, how the development will be done, how we will be marketing health insurance and how we will be providing services, this best system we have in the world is something we want to preserve.

And I can't think of a single thing we could do to destroy the best health care system in the world rather than to institutionalize it and federalize it and make it a socialized medicine program. Now, how do you do that?

Well, here on the floor, Mr. Speaker, of the United States Congress, September 22, 1993, President Clinton asked for a joint session of Congress. It's unusual for a President to ask to come speak to the House and the Senate in a joint session aside from the State of the Union address, but he did that on September 22, 1993, I think because Hillary actually advised him to, myself. And I have read the speech, and it is about a dozen pages long. And in that speech is component after component of a nationalized, socialized medicine program that was rolled out by the new Clinton administration in the fall of 1993.

And America looked at that. And, Mr. Speaker, I still have that poster, and I have it in the collection of my archives that shows ''Hillary Care.'' It shows a laminated poster about that wide and about that high, and if you look at it in its fine print, it's the flow chart for all the government agencies and all of the price limiting and price control and all the eventual, one can only conclude, health care rationing as well.

That whole flow chart is there on that laminated chart. That laminated chart is something that was put up before Americans in magazine after magazine, newspaper after newspaper, and published by good organizations so we could understand what it was that the Clinton administration wanted to impose upon Americans in September of 1993.

And as he laid out this case here from just in front of where you are, Mr. Speaker, he began to make a compelling case because he's a good salesman. But the American people sat and watched their television, and they reached down and pinched themselves: Do I really believe what I hear? What is coming out of the mouth of this President that sounds so good? Well, on that night the American people thought it sounded all right. They heard the message that you don't have to be responsible for the bills and you don't have to make any more health care decisions. The government will do that for you. The government will take the money out of the pockets of the people that are more wealthy than you are and put it into the pockets of the people that are of your income and less and take over some of that responsibility that you have, and somehow the world will be a better place.

Well, that was the marketing technique of that dozen-page speech September 22, 1993, Mr. Speaker. But when the sun came up on the morning of September 23, 1993, the Americans that had pinched themselves when they listened to the speech had slept upon the policy, and they began to take it apart piece by piece, one component of the flow chart, another component of the flow chart; and we ended up with an educated American populace that, after having listened to some people like ''Harry and Louise,'' after having listened to Senator Phil Gramm over in the Senate say ''We are going to have national health care in America over my cold, dead political body,'' which was a statement that Phil Gramm of Texas made on the floor of the United States Senate back during those years more than a decade ago, Mr. Speaker, the American people one at a time, sometimes by the dozens, sometimes by the hundreds, and, in fact, by the thousands rose up and said, no, we don't want national health care. We don't want that.

But a component that we did support, a component that was brought forth from this Congress in about 1997, by my recollection, and I could be off a year or so, Mr. Speaker, so I qualify that, was this component that we call SCHIP, State Children's Health Insurance Program. SCHIP was something that came out of this Republican Congress that was designed to subsidize

health insurance premiums for the children in families that were low income but not low enough income to qualify for Medicaid. That's the policy that was put in place in the mid-1990s, Mr. Speaker, and that is the policy that in 1998 went into law, as ratified in the Iowa legislature as I was a State senator there. We called it ''Hawk-I.'' We did that to give it a State moniker. And the policy that was put in place in Iowa and across this country at the time was 200 percent of the poverty level.

If you are a family of four, let's say Mom, Pa, and a couple of kids, and you are making something less than 200 percent of the poverty level, then you would qualify for a Federal subsidy for the health insurance program. And there were matching funds there. So it was a pretty good deal for the State to draw down Federal dollars to set up the SCHIP program, and every other State that I know of and the Hawk-I program in Iowa, as we called it, SCHIP, 200 percent of poverty.

Well, some might look at the charts today and dial it up on their Web page, and I think I have one here from Iowa. But the number it has, it shows about $41,000 for a family of four. And that family of four, though, has an exemption, and the exemption is 20 percent. So as I look at the number, Mr. Speaker, it comes together like this:

If you are a family of four, an income limit at 200 percent of poverty in the State of Iowa, $41,300, but you get a 20 percent discount. And 20 percent of your income is not included because, presumably, that's some of the waivers that have been granted. And 20 percent of your income is not included because you use that for living expenses. I actually think a far higher percentage of that income is used for living expenses especially in lower-income people. But 200 percent of poverty, $41,000 and change, 20 percent not included. So it really works out to be that you take the $41,000 and divide it by .8, and what qualifies in Iowa today under this SCHIP program, current law, not the one that passed the House of Representatives here that was negotiated down in the Senate, but what is current law today that I've defended, that I've supported, that I've voted for, and that Republicans have appropriated funds to for about a decade, the current law in Iowa is if you are a family of Mom, Dad, two kids, you qualify for SCHIP funding, which is Federal subsidy for your health insurance, at $51,625.

□ 2200

Now, the debate should be, not about the allegation that there's somebody here that hates kids. I don't know anybody that hates kids. Most of us have children. We all love our kids; we love our grandkids. To make those kinds of allegations should be beneath the dignity of the people over there on that side, or either side. We know that's false and that specious, and it's myopic to believe that. And somehow they think you, and I speak to that in general terms, Mr. Speaker, as the voters, will buy the idea of the allegations that they make.

But we set this up for low-income families. Low-income families are someplace, I think, below $51,625 for a family of four, but that's what qualifies today. This Pelosi Congress passed an SCHIP program that granted Federal subsidies for health insurance premiums at 400 percent of poverty; 400 percent.

So could we still, under the House plan, the ''Pelosi plan,'' could we ever claim that this is a program for poor kids at 400 percent of poverty? Well, what does that mean to the average American, Mr. Speaker? I don't know. But I live in Middle America, and we're pretty much an average State for income and an average State for population. And we have got a few things that are above average, I have to confess. If pressed, I can give you a long list, but 400 percent of poverty promoted and passed off this floor by the Pelosi Congress is $103,250 for a family of four. That's what this Congress was determined to put out here to the American people. That's what this Congress passed over to the Senate and said it's for the kids. It's for the poor kids. In fact, it was for the poor kids up to $103,250 in income for a family of four.

Now, this debate hasn't been about for the kids; I mean, this subject, this policy isn't about for the kids, and it isn't really any longer about the poor kids. It's about the argument that they're not saying, which is, are we going to lay the cornerstone for socialized medicine or are we not? Are we going to go along with the idea that we want to take away the incentive to be personally responsible as a family, a working family, maybe a two-income working family, maybe mom making $50,000 a year and pa making $50,000 a year and coming in there at $100,000 for a family of four and then saying, but taxpayer, let me have a little bit of money to fund the health insurance for my kids.

Even if the employer is providing that policy and it's part of the employment package, this program that was pushed by the majority in this Congress would take two million kids off of their own private health insurance that was funded by the labor of their parents, whether it's a direct check written to purchase the health insurance or whether it is the employment package that's there, two million kids off of that list and put them on the government-funded health insurance.

Now, why would anybody want to do that? Why would anybody that believed in this great gift of freedom that we have, why would anybody step in here and say, I don't want you to have that kind of personal responsibility. We don't need that kind of independence in America. We don't need that kind of character. We don't need that kind of work ethic. We want to take that away from you. We want you to be dependent upon these other taxpayers over here because somehow the nanny state can do a better job than you can do at taking care of your own kids, your own family, your own well-being. That's the psychology. And it has a certain amount of contempt for those working people that have the pride and the dignity to take care of themselves.

We, on this side, respect that labor and appreciate that. And many of us have pulled ourselves up by our bootstraps, paid for the health insurance for our children, taken care of our own, and paid the taxes besides that went to the people that were truly needy, those people that were on Medicaid, those people that were lower income. And some of us came up out of low-income, and actually, there have been years when I had no income when I got done figuring out my income for a bad year for a small businessman; sometimes it's in the red.

We carried our own share of this load and paid our share of taxes and took care of our own kids, and now we come along here and say, well, you don't know how to do that. We can find a better way because somebody out there is paying some taxes, and we can take their money and we're going to stick it back in here and create a program that takes the burden off of you.

And so what are we willing to do? If we listen to the majority, if we listen to this San Francisco policy that has been coming forth here for the last 60 minutes, if we would accept the idea that, unless you're making over $103,250 a year, at least in Iowa, for a family of four, you shouldn't have to pay for your own health insurance for your kids, the government can do it. Well, that's the cornerstone of socialized medicine, Mr. Speaker. And the argument otherwise just doesn't sustain itself against the facts.

And the constant argument that comes up that this is about children's health care is another misnomer. They start out with the wrong foundation in their argument. This is not about children's health care. This is the same kind of argument of rolling together the argument of illegal immigrants and legal immigrants, packaging them all up into one and using the term ''immigration,'' and then saying that because we're opposed to illegal immigrants, we're also opposed to legal immigrants.

Well, the same argument is what they're trying to apply here. If one is opposed to providing health insurance subsidies from hardworking taxpayers to people making over $100,000 a year, they interpret that to mean that you're against health care for kids.

You know, we are still a rational society. We still have people that can deductively reason. We have people that can add up two plus two is four and be able to reason that when the allegation is made on the other side of the aisle that somehow anybody is against

health care for kids when every kid in America has access to health care, every kid in America that's in a family, I will say every legal kid in America that's in a family that meets those low guidelines for Medicaid has 100 percent of their health care taken care of.

And those between Medicare qualifications and on up to that threshold, Iowa is an example, of $51,625, those kids have their health insurance premiums subsidized by the Federal taxpayer. That's current law. This Congress wanted to take it to $103,250; and when it went over to the Senate, it got negotiated down to 300 percent of poverty. That is still, in my State, $77,437. I say that's no longer middle income.

We want to take care of those people that are having a hard time making it, but we do not want to create a dependency society, unless, of course, you come from that side of the aisle, Mr. Speaker, and you're politically dependent upon a dependency society. And that's what's going on. That's what this argument is about. This is about creating a dependent society that will constantly come forth and support policies that make them dependent upon those people that are currently in the majority.

And how does the vitality of this Nation succeed if we're going to continue to dial down the vitality of Americans? Don't we know the difference, couldn't we figure this out? We saw socialism come crashing down November 9, 1989, when the Wall started coming down in East Germany, in East Berlin. That should have been the definite answer on a managed economy.

But I continually hear the argument come up over and over again, people over here, they get elected to the United States Congress that don't believe in the free enterprise system, that don't believe in the incentive program, that don't understand the invisible hand, that think somehow the free market economy is built to take advantage of people that don't have as much as anybody else. They don't seem to understand that we have people that start out with nothing that get wealthy in America, and that's realizing and living the American Dream. Even though they have some of those Members in their own caucus over there who have succeeded by these free market standards, they don't believe in the free enterprise system. They believe in a managed state, they believe in a nanny state. And so they want to be a nanny to all the kids, because if they do that, then those families become dependent upon them for the largess that's dipped out of the pockets of the working people in America to the point where this policy, this SCHIP policy that passed off the floor of this House of Representatives, would have not only funded kids and families up over $103,000 a year, families of four, but 70,000 of those families that would qualify for SCHIP, 70,000 families, not 70,000 kids, but 70,000 families also would have obligated to pay for the alternative minimum tax, the tax on the rich that was created years ago.

Now, tell me how you argue that's not socialized medicine when you've got to subsidize the health care of families so they can afford to pay the alternative minimum tax. That's the strategy. If you start on one end and you start on the other, you have people that are well off, paying more and more taxes, that's called ''progressive taxes.'' Those progressive taxes go higher and higher and higher. They come in from this way. And then you subsidize over on this side and you take care of things like heat subsidy and rent subsidy and health insurance premiums and Medicaid. And you come in from this way, you fund people's families this way, and you tax the wealthy this way, and then when they meet in the middle, you have socialism. When you have taken from the rich and given to everybody else and you have done this great class leveler, if everybody has the same income, now you've reached socialism.

But this goes even further, this SCHIP program. It crosses the line, Mr. Speaker. And so those paying the alternative minimum tax are pulled down here. Those that are receiving the SCHIP program subsidy up to 400 percent of poverty, the first passage out of this House, we're over here, 70,000 families in the middle. We've come all the way.

This policy closes the entire gap on the question of whether the people on this side of the aisle are truly Socialists, whether they believe in a free market system or whether they believe in a dependency society. Well, it's a dependency society that they believe in, Mr. Speaker.

And I will add, there are Presidential politics involved in this agenda. Now, simply, if the majority cared about the policy, we would be sitting down negotiating what it is we can agree on and trying to come up with the votes to put a policy together there. But, instead, they allege that there are all these kids that are not going to get their health care. Never true, always false, always a false statement.

In fact, when those statements were being made, we had passed off of this floor a continuing resolution that guarantees current SCHIP policy all the way to November 16th of this year. We did that so we would make sure there was no gap for any kid in America. And by the way, if we didn't care about SCHIP, wouldn't we have maybe not funded it, or underfunded it, or let it expire, or voted it out sometime when Republicans were in the majority?

How can one think that the allegation from Democrats today, when they've got the gavel, that now all of a sudden the people on this side that created SCHIP and funded SCHIP and nurtured it and protected it for a decade now have changed their mind? It's a ridiculous assumption, and it's false, Mr. Speaker. And this is about whether we're going to lay the cornerstone for socialized medicine. So political and Presidential politics play right into this.

We have these debates going on all over the country. They are concentrated in Iowa, and they are concentrated in New Hampshire. I will concede that, Mr. Speaker. And so every single Democrat Presidential candidate is for expanding this SCHIP as far as they can get it. I haven't heard a single one of them say, that's a bit too much, I think we've gone too far. I think we might have come so far from the left that we crossed over and tapped into those alternative minimum tax payers, that was maybe too much. Not one. Not a voice of fiscal responsibility, not a peep out of the advocates that says that they would ever draw the line anywhere. Because, truthfully, Mr. Speaker, they wouldn't draw the line anywhere. They simply would keep spending tax dollars, keep creating more government programs until there is no free market system left.

This is the cornerstone of socialized medicine. This does have to do with the Presidential politics. That is one of the reasons why it's been raised up to this level. When the President correctly and appropriately vetoed this bill, this $35 billion expansion, he had on the table $5.8 billion in increase, I support that. I support an extension of this, and I'm an original cosponsor of the legislation that carries this SCHIP funding out another 18 months to get us past the silly season of the Presidential and congressional elections, and perhaps we can have a serious debate then about the policy.

Meanwhile, I haven't heard a lot of noise about deficiencies in the program we have today. We have so many discrepancies in this program, Mr. Speaker, that we haven't really had the time to weigh them all in here on the floor of the United States Congress. But I want to make sure that I lay out what this really is about, SCHIP. Here's what it really stands for, SCHIP, ''Socialized Clinton-style Hillary Care for Illegals and Their Parents.'' That's SCHIP. I'll say it again. ''Socialized Clinton-style Hillary Care for Illegals and Their Parents.''

Well, I didn't address the illegal part of this. And there has been significant discourse across the country, but who has got the facts right on whether this legislation enables and enacts funding for health insurance premium subsidies, and in this case, also health care for those who are eligible for deportation?

□ 2215

Let me say this, Mr. Speaker, if ICE, if Immigration Customs Enforcement were required to deliver the voucher for SCHIP, as designed by the Democrat majority here in Congress, if they delivered those vouchers, Mr. Speaker, they would be compelled to bring a lot of those folks and deliver them back to their home country. That is the fact of

this, because they have reduced the standards, the standards under Medicaid more so than SCHIP, the standards under Medicaid that are current law today, see, you have to qualify as a citizen of the United States in order to qualify for the benefit. If you want to come over here on a visitor's visa, or a student visa, or a green card, we have already, long ago, made the agreement that we don't think that the taxpayers should subsidize those folks who come here to America for the first 5 years. So we set the standard, demonstrate your citizenship. There's a whole list of ways to do that. The primary two are a birth certificate with supporting documents or a passport, which has already required the supporting documents. That is the standard that is in current law, Mr. Speaker.

This legislation that was promoted here by the Pelosi Congress and sent to the Senate and passed off the floor of the Senate, and thankfully vetoed by the President, has lowered those standards so that now presentation of a legitimate Social Security number is all that is required to demonstrate your lawful presence in the United States and your eligibility, for now, in this particular case, it also includes Medicaid, as well as SCHIP. The result is that we know that we have millions of people employed in the United States illegally who have presented a Social Security number that may or may not have been a legitimate one, but all they need to do is identify a legitimate Social Security number, present it to their employer, their employer sent that number off to the Social Security Administration. That was all that was required. There might be 1,000 people with the same number. Well, they all get paid every Friday and the benefits all get stacked up on that, and it is called the no match list in a way. Some of it is duplicates. There is also the no match list. Then there is the nonwork Social Security numbers that are given to people that aren't eligible to work here but they needed the number for another reason while they were here as a visitor. There are millions of nonwork Social Security numbers.

Well, all of those that are legitimate or valid may not identify an American citizen, and the Social Security Administration has put out a statement that it is inadequate to take a Social Security number and use that to verify citizenship. But that, under the new standards by this majority in Congress, would be all that is required now to qualify for Medicaid benefits and, Mr. Speaker, to qualify for SCHIP benefits. In Iowa that's Hawk-I.

The Congressional Budget Office has concluded that the net cost to taxpayers, and now I have to do the math on this, is $3.7 billion in extra funding by lowering those citizenship standards. Much of that will go to illegals, people that are unlawfully in the United States, people that if ICE delivered the check, delivered the voucher, if they are going to follow through on the law, they would have to pick them up and take them home.

There is another $2.8 billion that is the States' share of that obligation. So the net cost for opening up, the standards that allow people who are unlawfully present in the United States and ineligible for Medicaid benefits and SCHIP benefits to open up those standards, the net cost to the taxpayers directed by the Congressional Budget Office is $6.5 billion.

Yet, Mr. Speaker, I have highly positioned people here in the House of Representatives and over in the other body that say, that's not true. Well, if that is the case, Mr. Speaker, let them roll the language out. Show me where that loophole is closed. I have read the language. I am saying the loophole doesn't exist. I believe that this is, as I said earlier, SCHIP, Socialized Clinton-style Hillary-care for Illegals and Their Parents. That will be the result. That is the cornerstone of socialized medicine, the weakened citizenship requirements.

I will make another point, and that is when my State gets finished paying the increase in tobacco tax, the 61 cents a pack that is added on to the current Federal 39 cents, that is a 156 percent increase of tobacco tax on cigarettes. Now, I am not here to plead for the smokers except I will plead with you all, Mr. Speaker, if you are smokers, please quit. We all know it is not good for you. Read the side of the pack. That is where you get all the information you need to know to make that decision. But when you increase the tax, we have a lot of middle- and low-income people are smokers. They will pay a disproportionate share of that tax. But when they pay that tax in my State, of course, there will be an increased revenue on tobacco tax in all States. That money, that 61 cents a pack additional that brings the tax up to $1 a pack, flows here to Washington, D.C. and then we sit here and make the decisions on flowing it back to the States. We know, according to the Centers For Disease Control on this particular statistic, we know that in my State, we pay additional taxes, and then money comes back in under SCHIP, and the net loss to my Iowa taxpayers is $226 million. $226 million is our net loss for this program. Why would we want to be for a program that is going to cost everybody in Iowa more money and you get less back? This brilliant plan, and I will get that to a chart here to illustrate it a little bit better, but this brilliant plan also presumes that there is going to be a whole lot more smokers that will be recruited in order to fund the extra cost of this SCHIP program. That number is over the years of this program an additional 22.4 million new smokers.

Now, Mr. Speaker, I am having a little trouble with the math on this. How does this work? How does this work that you increase the tax on tobacco and you kick that tobacco tax up from 39 cents, add 61 cents, now you are a buck a pack. Now that cigarettes got 61 cents more expensive, we are going to have 22.4 million more new smokers. It defies any kind of logic or any kind of rationale. That is typical for Washington, some will say. But I think we have a strong record of being for the kids. We have a strong record of providing for their health care. No one could bring a child out here on a poster or to the floor or before a press conference and say this kid didn't have access to health care. In fact, the examples that have been used by the majority on the other side, Mr. Speaker, are examples of kids that already qualify. And if they do not, I would like to have them point out the exceptions.

So at this point in this opportunity that I have, I see that my good friend from New Jersey (Mr. GARRETT) who has been a strong and vigilant voice for the taxpayers of America and prudent policy that produces the right result has arrived on the floor.

I would be happy to yield him such time as he may consume.

Mr. GARRETT of New Jersey. I thank the gentleman from Iowa for coming to the floor and speaking on SCHIP. I was on the floor earlier this evening, as you may know, with Dr. GINGREY. We were speaking about earmarks. After us, the other side of the aisle began their talk about SCHIP. I was hoping to interject when they were on the floor but that was not possible. So I'm glad you bring this issue up.

Let me touch on one point you are talking about. That is the cigarette tax. You made a generalized statement. Let me give you an actual number here. The SCHIP program, of course, is intended to benefit the low-income and the indigent children. The question is how is this being funded? You had correctly stated it is going to be funded by a cigarette tax. You generalized the statement that the cigarette tax generally falls disproportionately on the poor. And that actually is correct.

A study was done in 1990. It said that people who made under $10,000 per year paid almost twice as much in cigarette taxes as those who made $50,000 and above. So there is the irony. We are trying to provide a health care program for the poor. And on whose back is it going to be placed? It is going to be placed and paid for by those very same poor people who are paying a substantially higher cigarette tax.

The study goes on to say that there are other adverse impacts to raising the cigarette tax. One of them you wouldn't necessarily think of. But when you raise the taxes that high, much higher, a higher Federal cigarette tax, the study says, will lead to more violent crime. The foundation's chief economist has documented that higher cigarette taxes fuel black-market activity, including truck hijackings and other armed robberies. In 2003 he said, for example, 200 cases of cigarettes in a modest-sized transport truck would have a retail value in New York City of around $1 million and

would be a tempting market for thieves. So these are the side issues you don't hear about when you hear the bumper sticker rhetoric from the other side.

The other thing that you don't hear from, and I will yield back at any moment if the gentleman has a point to make here I see with his signs or charts. Another interesting point is the need for the overall program. I don't want to get bogged down in numbers and you are better facilitated with the charts there. But let's take a look at where we have been over the last 20 years when we talk about children in need. In 1987, now look at 1997 and 2002. In 1987, child poverty rate in this country was 18.7 percent. The eligible children who were eligible for programs, at that time, 20.3 percent. So just about the same numbers who were eligible for some sort of a government program such as Medicaid were at the same approximate number who were in the child poverty rate. In 1996, you go ahead about 10 years, those numbers now are about 20 percent in the poverty level, 28 percent eligibility, that means we have now reached a point where more kids were eligible for government assistance than were actually classified as childhood poverty. Flash ahead now to 2002, the rate now of overall childhood poverty rate, 16.7 percent, eligibility though for government assistance and Medicaid and the like, government health insurance, 47.1 percent. We have gotten to the point where almost half of the kids in this country are now entitled to welfare payments.

You had on your other chart when I came in here a neat little acronym for what SCHIP was. We have to call it what it really is. H.R. 976, SCHIP expansion, Socialized Clinton-style Hillary-care for Illegals and Their Parents, SCHIP. Well, that's true. And another way of calling it is welfare. We have gotten to the point where almost half the kids in this country are now eligible for Hillary-care, welfare, whereas the poverty rate for these children has actually decreased during that period of time to around 16.7 percent.

We have gone in the right direction in this country as far as reducing the number of all kids who are in poverty, but we have vastly exceeded what the actual need is.

Mr. KING of Iowa. I thank the gentleman from New Jersey. While you are here, a question arises in my mind and perhaps you are more astute in the nuances of history, and neither of us were here during the nineties when the welfare to work, the welfare reform program was put into place. I pose this question. There is a part in my recollection I am not certain about, but it seems that one of the criticisms to welfare reform, getting people off of welfare and putting them on work, ''workfare'' we often called it, and there was significant success in some of the States. Wisconsin got a lot of publicity, I think, that launched Governor Tommy Thompson on a pretty successful path. Also, in my State we did a very good job and very successful working in conjunction with the policy established here out of Congress.

But it is my recollection that a component in the master plan to succeed in welfare reform was that if you took people off welfare and they couldn't afford health insurance for their children, they would be more likely to stay on welfare and less likely to work. So that was one of the components of the psychology in creating the SCHIP program in the first place, dialed in at 200 percent of poverty.

I would ask the gentleman from New Jersey if that is consistent with your recollection.

Mr. GARRETT of New Jersey. That is absolutely consistent with my recollection.

Another aspect of it was at the time that the master plan as you described it at that time was to be more, was to be broader than what eventually transpired, and that was to include the block grant type arrangement for Medicaid, as well. Had we done that, we would not be in this budgetary crisis that we find right now where Medicaid has continued to have gone up, and the States actually would have been in a better situation than they are right now. Just as with Medicare, just as with the welfare reform movement, when the States were issued a block grant and given the significant flexibility that they had with the set dollar amount, the States were able to use the ingenuity of their States to actually decrease the enrollment of their welfare recipients and at the same time actually since the dollar limit remained the same, the per capita number per recipient actually went up. So those individuals who had the most need, if you will, had the most difficulty climbing out of their condition and their plight that they were in, you had a larger dollar value that you are able to apply to their particular condition.

□ 2230

Had we done the same thing as this Republican Congress at the time intended to, but we were stopped, as you recall; President Clinton put up the roadblock to it. We could have done the exact same thing with Medicaid, done it in a flexible block grant arrangement to the 50 States. The Governors of those States would have no strings attached to it whatsoever. They could have decided who and how they were going to get into it. You could have had an SCHIP-type arrangement where you allowed them to go into privatized health insurance programs. The benefit there would of course be, just as a side issue, that you would not be squeezing out the private sector marketplace. You would be opening up and creating greater competition and you would not be having this dilemma that we are facing right now. That was all the possibilities we had back in 1996. We lost it at that time because of President Clinton and what he was trying to do.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I put this poster up. This shows the different levels in the maximum income levels for qualifications in Iowa income today, which I think is representative across the country. This is the number that I spoke about earlier. This is current law as it is applied in Iowa today, a family of four qualifying for the State Children's Health Insurance Program subsidy dollars making $51,625 a year. We also have significant number of kids that qualify, not just in Iowa, but across the country, that are not recruited, they are not signed up under this program.

Now, I am going to operate under the theory that if the family has sufficient income or if they have the health insurance that's provided through their employers, they may well not want to complicate their plan and they may be a lot happier taking care of their own health insurance premiums. I am happy if they are.

Mr. Speaker, it isn't my job to come here to this United States Congress and ask people to be more dependent upon the tax dollars that we are squeezing out of the working people in America. That is all the taxpayers in America have to contribute to this. So we want to take care of the poor people, take care of those at that threshold of Medicaid, but we chose that number to be at 200 percent, and because of waivers, we are at $51,625 for that family of four in Iowa.

This is what the Pelosi Congress passed; the first pass off the floor that went to the Senate, which set Iowa at $103,250 for a family of four. Who in the world thinks that that is poverty, a six-figure income for a family of four, that is a poverty level where you can't sustain your own income or you can't sustain your own responsibilities for health insurance. By the way, who's making that kind of money that doesn't have some kind of arrangements for health insurance?

Well, there is an answer to that, Mr. Speaker. In one of those posters, I think it's this handy poster behind here. Before I go to the next poster, I want to ask the gentleman from New Jersey, at this 400 percent of poverty here, the 300 percent, for 200 here, what kind of creativity does New Jersey have and what one might expect on a chart if one had this set-up for the New Jersey residents.

Mr. GARRETT of New Jersey. Well, New Jersey, as you may know, has not gone up to the 400. New York is, I think, the only State that as of current law, not the bill just approved by the House, under current law, New York has attempted to go up to 400 percent. New Jersey is at 350 percent, which puts us at around, for a family of four, $72,000. Now the median income is around $61,000 or $62,000 for the State of New Jersey, which means you're at the average.

Mr. Speaker, so what are we saying here? We are saying that even those who are above average in income are now going to eligible for socialized welfare payments. Once a month they will get a welfare payment. It won't be in the form of a check, like a normal welfare payment coming to you to cash. Instead, it will be delivered directly to the insurance company, or other method.

What that means is this. For every ten people that you wish to enroll under the plan under the Pelosi method, approximately six those people will already have insurance. So in that last chart you would say up in the $103,000 range. Every ten new children that you bring into the program, these six over here already had insurance. You're only adding these four children over here. But you're doing it at a tremendous cost. You're using taxpayers' dollars now to pay for those children who maybe their parents are making $103,000.

Wouldn't it be so much better if those tax dollars were going to try to find a way to make sure that these four kids had all the, not only insurance, but also the actual health care, which is a question that I think you were bringing up before, because at the end of the day that is really what we should be focused on, making sure those kids have health care. Because it does those four kid absolutely no good just to make sure that they have insurance if they can't find a doctor to treat them.

How many people do you know of, senior citizens who have Medicare and go out and try to find a doctor to accept their Medicare payments, and they find out there's no Medicare doctors receiving Medicare recipients. How many people do you know that are on Medicaid right now, which is an insurance policy, and try to go out and find a doctor who says they are still taking Medicaid patients, and they are not taking them.

Mr. Speaker, we have done nothing if we simply have insured four new children under this SCHIP program if it's set up in such a manner that there is nothing else to facilitate more doctors to be out there to actually get care. We have done nothing to improve the health care coverage, all we've done is a sound bite for the Democrats, saying we improved insurance coverage.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman.

Mr. Speaker, as you spoke, I put up this chart that tells us about what level of health insurance is there for kids. As you go up the chart here, and I will draw the line at 300 percent of poverty, 77 percent have health insurance; at 400 percent, 89 percent. Then actually up to 400 percent, 89 percent do. Once you reach the level that was passed off here by the majority in this Congress, there are only five percent of the kids that don't have health insurance.

So what were we trying to fix that covered 95 percent of those kids? What was it that had a greater value to this society than people being able to make their own decisions with their own money. I will argue again, this lays the cornerstone for socialized medicine and it pushes kids off of their own private health insurance.

The CBO has some numbers that shows for everyone that would be picked up and put on health insurance, there is another one that has their own health insurance that they will be leveraged off of it. A one-to-one ratio. In that number are 2 million kids that are currently insured by this current program, the bill that will come up again tomorrow, where we will sustain the President's veto. Should we fail to do that, there will be 2 million kids in America that will lose their own private health insurance because their decision will be made let the government pay for it instead.

I call that irresponsible. I call that poor policy. If you believe in socialized medicine, if you believe in a managed economy, if you believe in a managed society, if you believe in less freedom and more dependency, then make the argument, make the argument, Democrats. If that is your vision, stand up and say so. But instead they say no, it is not about socialized health care. This is about kids.

Well, I care about my kids. I care about their future, Mr. Speaker. I care about my grandchildren and their future. And when I hear my colleagues over on this side of the aisle talk about the legacy that we are shaping here on the floor of the United States Congress, they are thinking about the legacy that has been handed to us, down from God through the hands of our Founding Fathers, on to that document where they pledged their lives, their fortunes and their sacred honor, which is the Declaration, and on to the Constitution, this great legacy that has flowed to us, God's gift of freedom, is being diminished day by day on the floor of the United States Congress, trading off our freedom for dependency, trading off our freedom for, even today with the FISA debate, less security.

What is the vision here on the other side of the aisle? I want to hang onto those gifts that we have. I want my children to have more opportunities than I had, not less. I don't want to diminish those opportunities by taking away from them their freedoms, taking away their decisionmaking, making them so dependent that they lose their vitality, that they forget that they have to go out and work, earn, save and invest and plan for and manage their own future.

Even Jimmy Carter said back in about 1976 that people that work should live better than those who don't. Too bad he didn't follow through on that philosophy. But that was a memorable quote that I thought was a memorable one that he made when he was campaigning for President back in Iowa back then, that people that work hard and plan have to have some reward, and if you take their reward away, the hard-earned sweat from their brow, and you require them to pay the Alternative Minimum Tax, because you say you made too much money and the tax rates we made aren't good enough to get all the money we want out of you, so we will add this extra Alternative Minimum Tax on here, and 70,000 of those families have to have the health insurance for their children subsidized because you set up a policy that is closed and cross the loop from independents, from progressive tax, to socialism, then we are here to say, Mr. Speaker, that is wrong.

I take that stand and I draw that bright line. That is wrong. I want freedom. I want personal responsibility. I want to reward the people that make their own decisions. They need to have the freedom that comes with the dollars that they earn to the maximum extent possible.

I will be happy to yield to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Just one point on this issue of freedom and the opportunities that come from it and therefore the incentives that also lead to it.

We spoke just a moment ago with regard to the 1996 welfare reform package. Back when that was done, one thing that did impact the Medicaid program was a change to who was entitled to benefits. So in the 1996 Medicaid reform, they eliminated Medicaid benefits for noncitizen immigrants. Noncitizen immigrants. That means someone in the country legally, not illegal immigrants, but people in this country legally, so they are non-citizens and immigrants, they were eliminated from getting Medicaid coverage.

Now, the critics of the proposal you may recall at that time said wait, wait, wait. If we are going to take this class of people who are otherwise eligible economically income-wise out of the pool that are eligible for Medicaid, we know what is going to happen. Their health condition is going to deteriorate, and, as importantly, their coverage level is going to go down.

But you know what? For just the point you were saying, the increase in freedom, that did not occur. There was now a new incentive. Since they were not eligible to get Medicaid anymore, there was an incentive to do just what you say, to go out work, either get a job that had health insurance provided for it, or, if not, get a job that paid enough that they were able to buy insurance or do something to the health insurance.

So the result of that group being excluded from Medicaid coverage at that time, from 1996 forward, was an increase in insurance coverage for that class of individuals.

That is what we learned from expanding freedom, expanding opportunity, providing an incentive, as opposed to what is in the socialized Clinton-style health care for illegals and their parents SCHIP plan, is a disincentive and

a phasing out and pushing out for the opportunities for individuals.

Mr. KING of Iowa. I thank the gentleman from New Jersey, and I take you north of the border. We started to hear in the news in the last week or so something that has been brought to our attention here in this Congress where we have some Interparliamentary exchange, and I have sat down with the Canadians perhaps 3 years ago.

They pressed the case that we need to do a better job of controlling our borders because we had people pouring into the United States, coming here illegally, and once they got established here, they realized there were welfare benefits to be had in Canada. And they were having thousands, at that time, about 3 years ago, they had about 50,000 illegal immigrants that they said had poured through the United States and into Canada and they were putting too much pressure on their welfare system.

So I asked the question in that meeting, what percentage of those that arrive sign up and qualify for welfare? Their answer was, Mr. Speaker, virtually 100 percent of them, because that is how the Canadian laws are set up as a magnet.

If you saw in the news this past week, there is a community there not too far north of the border into Canada that has started to raise an issue, and they said they are enclaves that are being created here with illegal immigrants that have been illegal in the United States that have gone on into Canada because the welfare benefits are better.

They interviewed some of them on the street where they laughed and smiled about how it was that their welfare check came on time, there weren't so many snags and snafus in the welfare system in Canada, and they were glad to be there despite of the winters.

That was the message I got, Mr. Speaker. And I think that study in sociology that the gentleman from New Jersey (Mr. GARRETT) has laid out speaks to that, that people will follow a path, and if you grant them a safety net, that is fine. It fits the standards I think of the American people. But when you crank that safety net up, at some level the safety net becomes a hammock. Then they rest back in the hammock and they lose their desire to produce, there is not a reason any longer. So the merit that comes from having to produce, of having that responsibility, is part of what gives us a vitality in this country.

As I started this discussion out in the beginning, I talked briefly about the defeat of communism, the defeat of socialism, the collapse of the Soviet empire, because they found out that a managed economy and socialism didn't work. That when you let people earn, save, work, invest, and they decide when they make their purchases and they decide how they go about doing that, that creates opportunities in a free market system.

□ 2245

You simply cannot manage an economy without it. It manages itself under the free market system, and people have an incentive to go to work because there is a reward for that work. If you take that reward away and you do the great leveler and you make the argument like is being made in this Socialized Clinton-style Hillary-care for Illegals and their Parents, if you make the argument that you make too much money, we are going to take it. And, by the way, we are going to take all of that that comes down someplace in the middle, and then we are going to subsidize your expenses on up to that point, and in fact we are going to cross them to where we are going to tax you on the alternative minimum tax and provide health insurance for your kids, that is the definition of the nanny state. That is a definition of socialism, and that is a definition for a nation losing its vitality, its confidence, its ambition. And the sum total of the individual productivity in America under this plan, Mr. Speaker, goes down. American people will not work as hard. They will not be as prudent and as responsible under this program that they have brought off this floor in this Pelosi Congress, and that diminishes all of us.

We need to be about raising the average individual productivity of all of our people and the quality of our life and raising our own personal responsibility. It is not just economic, Mr. Speaker, it is cultural. It is the work ethic. We used to call it the Protestant work ethic until we figured out that the Catholics got with that program pretty good, too.

But we went to work and we raised our families. We understand that is our first responsibility, then our neighborhood and our community. Also our schools and our churches and our States and our country. God, then country, make this a better place than it was when you came. That is the charge that has been handed to us because we are such grateful beneficiaries of this American Dream that has been passed to us. And we squander it under this program.

We diminish all of us when we increase the dependency, especially when we can't make an honest argument, an argument that speaks to the issue, an argument that says over there, if they just stand up and say "I am for socialized medicine," at least the Presidential candidates, the Democrats, have done that.

They haven't quite done that over there yet. They want to change the subject matter. They are for socialized medicine. We are for freedom. We are for the kids.

I yield to the gentleman.

Mr. GARRETT of New Jersey. Mr. Speaker, I should point out that the dependency and the loss of freedom is not only for the individual, it is for the State, too. What CHIP does is create an incentive for States to add more people onto the program since there is a 3 to 1 ratio as far as the dollars. The State spends $1, and they get basically a 3 to 1 ratio in dollars from the Federal Government.

That means that the State is no longer incentivized to do other creative things to actually improve the health of the kids in the State, just so they can turn around and say we are getting Federal dollars to put the kids on health insurance. So not only do we disincentivize or take away incentives from individuals, we take away incentives from the States to do the right things for themselves. We see it in New Jersey. I am sure you see it in your State.

Mr. KING of Iowa. One other point. This isn't all just about kids on SCHIP. You have States like Minnesota, 87 percent of the beneficiaries are adults, not kids. We need to take these resources and push them down to where they go to the kids that are the reason for this program. We need to provide and maintain this personal responsibility. Two hundred percent of poverty has been a good target for more than 10 years. Four hundred percent of poverty is taking the path to socialism. Three hundred percent is too much. But this program that is before us today is Socialized Clinton-style Hillary-care for Illegals and their Parents.

Mr. Speaker, I will let that be the last word.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. COSTA) to revise and extend their remarks and include extraneous material:)

Ms. HERSETH SANDLIN, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. HIRONO, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and October 24.

Mr. JONES of North Carolina, for 5 minutes, October 24.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 15, 2007 she presented to the President of the United States, for his approval, the following bills.

H.R. 1124. To extend the District of Columbia College Access Act of 1999.

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. A Bill 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. 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. 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''.

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. 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''.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, October 18, 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:

3748. A letter from the Acting Director/PDRA — PARA/RUS/USDA, Department of Agriculture, transmitting the Department's final rule — Community Connect Broadband Grant Program (RIN: 0572-AC09) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3749. A letter from the Director, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting notification regarding a report pursuant to Section 368 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

3750. A letter from the Assistant Administrator for Power Marketing Liaison, Department of Energy, transmitting notification regarding a report pursuant to Section 2605(e) of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

3751. A letter from the Secretary, Department of Health and Human Services, transmitting the fourth annual financial report to Congress required by the Medical Device User Fee and Modernization Act of 2002 (MDUFMA), covering FY 2006; to the Committee on Energy and Commerce.

3752. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2006 financial report for the Animal Drug User Fee Act of 2003 (ADUFA); to the Committee on Energy and Commerce.

3753. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-028, New Designated Countries-Bulgaria, Dominican Republic, and Romania [FAC 2005-19; FAR Case 2006-028; Item VIII; Docket 2007-0001, Sequence 01] (RIN: 9000-AK77) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3754. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-025, Online Representations and Certifications Application Review [FAC 2005-19; FAR Case 2006-025; Item IX; Docket 2007-0001, Sequence 3] (RIN: 9000-AK76) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3755. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-006, Free Trade Agreeemnts-El Salvador, Honduras, and Nicaragua [FAC 2005-19; FAR Case 2006-006; Item X; Docket 2006-0020; Sequence 7] (RIN: 9000-AK49) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3756. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-017, Free Trade Agreements-Bahrain and Guatemala [FAC 2005-19; FAR Case 2006-017; Item XI; Docket 2006-0020; Sequence 11] (RIN: 9000-AK61) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3757. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Technical Amendments [FAC 2005-19; Item XIII; Docket FAR-2007-0003; Sequence 2] received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3758. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; FAR Case 2006-027, Accepting and Dispensing of $1 Coin [FAC 2005-19; FAR Case 2006-027; Item XII Docket 2007-0001, Sequence 5] (RIN 9000-AK54) received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3759. A letter from the Chief Acquisition Officer, GSA, Department of Defense, transmitting the Department's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-19; Small Entity Compliance Guide [Docket FAR-2007-0002, Sequence 4] received September 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3760. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Employee Contribution Election and Contribution Allocations; Correction of Administrative Errors; Availability of Records; Death Benefits; Loan Program; Thrift Savings Plan — received September 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3761. A letter from the Office of Personnel Management, transmitting the Office's final rule — Reemployment of Civilian Retirees to Meet Exceptional Employment Needs (RIN: 3206-AI32) received September 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3762. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a copy of the ecosystem restoration project along the Snake River near Jackson Hole, Teton County, Wyoming; to the Committee on Transportation and Infrastructure.

3763. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting notification that the Secretary of the Army supports the reauthorization of the American and Sacramento Rivers, Folsom Dam Modification, California, as provided in Section 3029(b) of the Water Resources Development Act of 2007; (H. Doc. No. 110-63); to the Committee on Transportation and Infrastructure and ordered to be printed.

3764. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting notification that the Secretary of the Army supports the authorization and plans to implement the flood damage reduction project for the Des Moines and Raccoon Rivers, Des Moines, Iowa; (H. Doc. No. 110-64); to the Committee on Transportation and Infrastructure and ordered to be printed.

3765. A letter from the Under Secretary for Science, Department of Energy, transmitting notification regarding a report pursuant to Section 1010 of the Energy Policy Act of 2005; to the Committee on Science and Technology.

3766. A letter from the Under Secretary for Science, Department of Energy, transmitting notification regarding a report pursuant to Section 1102(e) of the Energy Policy Act of 2005; to the Committee on Science and Technology.

3767. A letter from the Under Secretary for Science, Department of Energy, transmitting notification regarding a report pursuant to Section 1814 of the Energy Policy Act of 2005; to the Committee on Science and Technology.

3768. A letter from the Under Secretary for Science, Department of Energy, transmitting notification regarding a report pursuant to Section 979 of the Energy Policy Act of 2005; to the Committee on Science and Technology.

3769. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's report entitled ''The Superfund Innovative Technology Evaluation Program: Annual Report to Congress FY 2004''; to the Committee on Science and Technology.

3770. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''The Mentoring Children of Prisoners Program,'' pursuant to Public Law 107-133, section 121 (439)(g); to the Committee on Ways and Means.

3771. A letter from the United States Trade Representative, Executive Office of the President, transmitting the Report on Progress in Reducing Trade-Related Barriers to the Export of Greenhouse Gas Intensity Reducing Technologies, pursuant to Public Law 109-58, section 1611; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SESTAK:

H.R. 3863. A bill to provide a strategic approach to the war in Iraq to enhance the national security interests of the United States both at home and abroad, while ensuring the safety of the United States Armed Forces and ensuring stability in Iraq and the Middle East; to the Committee on Armed Services,

and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP of Michigan (for himself, Mr. HULSHOF, Mr. BOUSTANY, Mrs. MYRICK, Mr. LEWIS of Kentucky, and Ms. GRANGER):

H.R. 3864. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself and Mr. JONES of North Carolina):

H.R. 3865. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself and Ms. CLARKE):

H.R. 3866. A bill to reauthorize certain programs under the Small Business Act for each of fiscal years 2008 and 2009; to the Committee on Small Business.

By Ms. VELÁZQUEZ (for herself, Ms. FALLIN, Ms. CLARKE, and Mr. REYES):

H.R. 3867. A bill to update and expand the procurement programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. POMEROY (for himself and Mr. CANTOR):

H.R. 3868. A bill to provide an orderly transition to new requirements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, 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 Mrs. BACHMANN (for herself, Mr. RAMSTAD, and Mr. KLINE of Minnesota):

H.R. 3869. A bill making appropriations to the Department of Transportation to repair and reconstruct the bridge that collapsed on August 1, 2007, on Interstate Route I-35W in Minneapolis, Minnesota, for the year ending September 30, 2008; to the Committee on Appropriations.

By Ms. DELAURO:

H.R. 3870. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care workforce development initiatives, and for other purposes; to the Committee on Education and Labor.

By Mr. ELLSWORTH:

H.R. 3871. A bill to amend the Communications Act of 1934 to require certain schools having computers with Internet access that receive services at discounted rates to certify that, as part of the required Internet safety policy, the schools are educating minors about appropriate online behavior; to the Committee on Energy and Commerce.

By Mr. FORTENBERRY:

H.R. 3872. A bill to amend title XXI of the Social Security Act to impose requirements on coverage of children in higher income families under the State Children's Health Insurance Program (SCHIP); to the Committee on Energy and Commerce.

By Mr. HODES (for himself and Mrs. CAPITO):

H.R. 3873. A bill to expedite the transfer of ownership of rural multifamily housing projects with loans made or insured under section 515 of the Housing Act of 1949 so that such projects are rehabilitated and preserved for use for affordable housing; to the Committee on Financial Services.

By Mr. KAGEN (for himself, Mr. RAMSTAD, Mr. KIND, and Mr. ENGLISH of Pennsylvania):

H.R. 3874. A bill to amend the Internal Revenue Code of 1986 to reduce the recognition period for built-in gains for subchapter S corporations; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself and Mr. ISSA):

H.R. 3875. A bill to permit the Secretary of Labor to make an administrative determination of the amount of unpaid wages owed for certain violations of the Fair Labor Standards Act in the New Orleans region after Hurricane Katrina; to the Committee on Education and Labor.

By Ms. LEE (for herself, Mr. ELLISON, and Mr. GRIJALVA):

H.R. 3876. A bill to amend the Internal Revenue Code of 1986 to limit the deductibility of excessive rates of executive compensation; to the Committee on Ways and Means.

By Mr. MATHESON (for himself, Mr. GORDON, Mr. WHITFIELD, Mr. ROSS, Mr. DAVIS of Kentucky, Mr. YOUNG of Alaska, Mr. CANNON, Mr. BACHUS, and Mr. ROGERS of Kentucky):

H.R. 3877. A bill to require the Director of the National Institute of Standards and Technology to establish an initiative to promote the research, development, and demonstration of miner tracking and communications systems and to promote the establishment of standards regarding underground communications to protect miners in the United States; to the Committee on Science and Technology.

By Mr. MCCAUL of Texas (for himself, Mr. DENT, and Mr. CLEAVER):

H.R. 3878. A bill to authorize the National Science Foundation to accept and use contributed funds from the Department of Energy for certain activities related to the Energy for Sustainability program; to the Committee on Science and Technology.

By Mr. PATRICK MURPHY of Pennsylvania:

H.R. 3879. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified tuition and related expenses; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3880. A bill to amend title 40, United States Code, to authorize the National Capital Planning Commission to designate and modify the boundaries of the National Mall area in the District of Columbia reserved for the location of commemorative works of preeminent historical and lasting significance to the United States and other activities, to require the Secretary of the Interior and the Administrator of General Services to make recommendations for the termination of the authority of a person to establish a commemorative work in the District of Columbia and its environs, and for other purposes; to the Committee on Natural Resources.

By Mr. UDALL of New Mexico (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 3881. A bill to amend the Internal Revenue Code of 1986 to modify the rules for charitable contributions of fractional gifts; to the Committee on Ways and Means.

By Mr. WALZ of Minnesota (for himself, Mr. KLINE of Minnesota, Mr. PETERSON of Minnesota, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mrs. BACHMANN, Mr. RAMSTAD, Mr. ELLISON, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. LOEBSACK, and Mr. LATHAM):

H.R. 3882. A bill to amend title 38, United States Code, to change the length of the obligated period of service on active duty required for receiving certain education benefits administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WILSON of South Carolina:

H.R. 3883. A bill to amend the Federal Water Pollution Control Act to direct the Administrator of the Environmental Protection Agency to give priority consideration to Port Royal Sound, South Carolina, in selecting estuaries of national significance and convening management conferences under the national estuary program; to the Committee on Transportation and Infrastructure.

By Mr. WELCH of Vermont:

H.J. Res. 59. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on Foreign Affairs.

By Mrs. LOWEY (for herself, Mr. REGULA, Mr. ARCURI, Mr. NADLER, Ms. MCCOLLUM of Minnesota, Mr. COURTNEY, Mrs. MCCARTHY of New York, Ms. MOORE of Wisconsin, Mr. ROTHMAN, and Mr. HALL of New York):

H. Con. Res. 238. Concurrent resolution supporting the goals and ideals of ''Lights On Afterschool!'', a national celebration of after-school programs; to the Committee on Education and Labor.

By Mr. MCCRERY (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. BAKER, Mr. JEFFERSON, Mr. JINDAL, and Mr. MELANCON):

H. Res. 752. A resolution honoring the life and expressing condolences of the House of Representatives on the passing of the Honorable Joe D. Waggonner, Jr., former United States Congressman; to the Committee on House Administration.

By Mr. MORAN of Virginia (for himself, Mr. TOM DAVIS of Virginia, and Mr. WOLF):

H. Res. 753. A resolution honoring and thanking the soldiers that served the top secret units for the United States Military Intelligence Service under the project name ''Post Office Box 1142''; to the Committee on Armed Services.

By Mr. UDALL of Colorado (for himself, Mrs. CAPPS, Mr. WALSH of New York, Mrs. BONO, Mrs. NAPOLITANO, Ms. BORDALLO, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. ARCURI, Ms. SCHAKOWSKY, Ms. WATSON, and Mr. TOWNS):

H. Res. 754. A resolution congratulating the United States Women's National Soccer Team on its performance at the 2007 FIFA Women's World Cup in China; to the Committee on Oversight and Government Reform.

By Mr. VAN HOLLEN (for himself and Mr. JONES of North Carolina):

H. Res. 755. A resolution recognizing the 90th anniversary of the founding of the National Federation of Federal Employees and congratulating the members and officers of the National Federation of Federal Employees for the union's many achievements; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. JACKSON of Illinois.
H.R. 92: Mrs. MYRICK.
H.R. 138: Mr. MCCOTTER.
H.R. 303: Mrs. BOYDA of Kansas.
H.R. 332: Mr. NEUGEBAUER.
H.R. 371: Mr. RYAN of Wisconsin.

H.R. 373: Ms. BERKLEY.
H.R. 618: Mr. ROGERS of Alabama.
H.R. 649: Mr. ENGLISH of Pennsylvania.
H.R. 690: Mr. DENT.
H.R. 715: Mr. FORTENBERRY, Mr. BACA, Mrs. TAUSCHER, Mr. SPRATT, Mr. NADLER, Mr. UDALL of Colorado, and Mr. KING of New York.
H.R. 743: Mr. SIRES, Mr. YOUNG of Alaska, and Mr. RAMSTAD.
H.R. 758: Mr. HARE.
H.R. 897: Ms. NORTON and Ms. WATSON.
H.R. 989: Mr. EHLERS.
H.R. 1000: Mr. HARE, Mr. BISHOP of Georgia, Mr. VAN HOLLEN, Ms. SHEA-PORTER, and Mr. ROSS.
H.R. 1004: Mr. GONZALEZ, Mr. GENE GREEN of Texas, and Mrs. MALONEY of New York.
H.R. 1072: Mr. BERMAN.
H.R. 1169: Mr. JACKSON of Illinois.
H.R. 1190: Mr. MILLER of North Carolina.
H.R. 1229: Mr. SESTAK.
H.R. 1245: Mr. BROWN of South Carolina.
H.R. 1246: Mr. JACKSON of Illinois, Mr. PATRICK MURPHY of Pennsylvania, Mr. KLEIN of Florida, Mr. THOMPSON of California, and Mr. AL GREEN of Texas.
H.R. 1275: Ms. JACKSON-LEE of Texas, Ms. VELÁZQUEZ, and Mr. HOLT.
H.R. 1363: Ms. MATSUI, Mr. SERRANO, and Mr. HONDA.
H.R. 1420: Mr. ALLEN and Mr. ENGEL.
H.R. 1428: Mr. BUCHANAN and Mr. BOSWELL.
H.R. 1497: Mr. SHULER and Mr. ROSS.
H.R. 1583: Mr. MCNERNEY.
H.R. 1663: Mr. EMANUEL and Mr. YARMUTH.
H.R. 1665: Mr. DEAL of Georgia and Mr. BARROW.
H.R. 1726: Mr. BLUMENAUER.
H.R. 1738: Mr. ALEXANDER and Mr. MICHAUD.
H.R. 1740: Ms. ROS-LEHTINEN.
H.R. 1760: Mr. BARROW.
H.R. 1809: Mr. RAHALL.
H.R. 1840: Mr. BLUMENAUER, Mr. LEWIS of Kentucky, Ms. BERKLEY, and Mr. VAN HOLLEN.
H.R. 1866: Mr. SESTAK.
H.R. 1971: Mr. WICKER.
H.R. 1983: Mr. FRANKS of Arizona.
H.R. 1992: Mr. WELCH of Vermont, Mr. HILL, Mr. HINCHEY, Mr. GUTIERREZ, and Mrs. CHRISTENSEN.
H.R. 2026: Mr. SPRATT.
H.R. 2046: Mr. COHEN.
H.R. 2066: Mr. SESTAK.
H.R. 2073: Mrs. BOYDA of Kansas.
H.R. 2094: Ms. HIRONO and Mr. AL GREEN of Texas.
H.R. 2122: Mr. SHAYS and Mr. WYNN.
H.R. 2167: Mrs. MALONEY of New York.
H.R. 2188: Mr. KUCINICH.
H.R. 2257: Mrs. MCCARTHY of New York.
H.R. 2262: Mr. FILNER.
H.R. 2265: Mr. HASTINGS of Florida.
H.R. 2266: Mr. HARE.
H.R. 2267: Mr. BRADY of Pennsylvania.
H.R. 2312: Mr. LAMBORN.
H.R. 2343: Mr. ALTMIRE.
H.R. 2391: Mr. BACHUS.
H.R. 2392: Mr. HASTINGS of Florida.
H.R. 2417: Mr. JEFFERSON.
H.R. 2472: Mr. STUPAK and Mrs. EMERSON.
H.R. 2477: Mr. STARK.
H.R. 2503: Mr. SESTAK.
H.R. 2514: Mr. FRANK of Massachusetts, Mr. BERMAN, Mrs. TAUSCHER, and Mr. RAHALL.
H.R. 2611: Mr. HARE.
H.R. 2652: Mr. CARNAHAN and Ms. KAPTUR.
H.R. 2702: Mr. ALLEN and Mr. JEFFERSON.
H.R. 2734: Mr. MCCOTTER.
H.R. 2807: Mr. SALI and Mr. BOEHNER.
H.R. 2827: Mr. MANZULLO and Mr. HARE.
H.R. 2915: Mr. HARE.
H.R. 3058: Mrs. MCMORRIS RODGERS, Mr. RENZI, and Mr. DAVID DAVIS of Tennessee.
H.R. 3077: Mr. MELANCON.
H.R. 3091: Mr. BLUMENAUER.
H.R. 3109: Mr. SOUDER.
H.R. 3119: Mr. BLUMENAUER, Mr. ELLISON, and Mr. RANGEL.
H.R. 3167: Mr. SARBANES.
H.R. 3176: Mr. PRICE of Georgia and Mr. FEENEY.
H.R. 3219: Mr. STARK.
H.R. 3223: Mr. FILNER.
H.R. 3256: Mr. HARE.
H.R. 3282: Mr. STUPAK and Mr. LEWIS of Kentucky.
H.R. 3289: Mr. JEFFERSON.
H.R. 3314: Mr. STARK, Mr. WU, Mr. VAN HOLLEN, and Mr. GENE GREEN of Texas.
H.R. 3327: Mr. FERGUSON, Mr. SESTAK, and Mr. STARK.
H.R. 3334: Ms. CASTOR.
H.R. 3339: Mr. CLAY.
H.R. 3380: Mr. MILLER of Florida.
H.R. 3391: Mr. BRADY of Pennsylvania.
H.R. 3448: Ms. LEE.
H.R. 3470: Mr. BARROW, Mr. BISHOP of Georgia, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. GINGREY, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. LINDER, Mr. MARSHALL, Mr. PRICE of Georgia, Mr. SCOTT of Georgia, and Mr. WESTMORELAND.
H.R. 3512: Mr. GRIJALVA, Mr. KIND, Ms. LEE, and Mr. TOWNS.
H.R. 3533: Mr. HARE, Mr. PERLMUTTER, Mr. HODES, Ms. JACKSON-LEE of Texas, Mr. ALLEN, Mr. LEWIS of Georgia, Mr. GRAVES, Mr. DOYLE, and Mr. ROSS.
H.R. 3548: Mr. ALTMIRE.
H.R. 3559: Mr. LAMBORN.
H.R. 3569: Mr. DANIEL E. LUNGREN of California, Mr. DOOLITTLE, Ms. MATSUI, Ms. WOOLSEY, Mr. GEORGE MILLER of California, Mr. HONDA, Mr. COSTA, Mr. BERMAN, Mr. SCHIFF, Mr. WAXMAN, Mr. BECERRA, Ms. WATSON, Ms. ROYBAL-ALLARD, Ms. WATERS, Ms. RICHARDSON, and Mrs. NAPOLITANO.
H.R. 3584: Mr. COLE of Oklahoma.
H.R. 3609: Mr. HINCHEY and Mrs. LOWEY.
H.R. 3652: Mr. CARNAHAN and Ms. KAPTUR.
H.R. 3670: Ms. BERKLEY, Mr. CALVERT, Mrs. TAUSCHER, Mr. WAXMAN, and Mr. THOMPSON of California.
H.R. 3674: Mr. BLUMENAUER.
H.R. 3676: Mr. MILLER of North Carolina, Mr. GORDON of Tennessee, Mr. BOREN, and Mrs. EMERSON.
H.R. 3689: Mr. BARROW.
H.R. 3691: Mr. BISHOP of New York, Ms. CASTOR, Mr. DICKS, Mr. ENGEL, Mr. FARR, Mr. KENNEDY, Ms. LEE, Mrs. LOWEY, Mr. PERLMUTTER, Mr. ROSS, Mr. RYAN of Ohio, Ms. SHEA-PORTER, Mrs. TAUSCHER, Mr. WALZ of Minnesota, Mr. WAXMAN, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, and Mrs. BOYDA of Kansas.
H.R. 3705: Mr. BLUMENAUER.
H.R. 3729: Mr. CALVERT, Mr. JONES of North Carolina, Mr. TERRY, Mr. NUNES, and Mr. GALLEGLY.
H.R. 3737: Mr. SMITH of Texas.
H.R. 3738: Mr. HOEKSTRA, Mr. HERGER, Mr. DAVID DAVIS of Tennessee, Mr. PENCE, Mr. MANZULLO, Mr. DEAL of Georgia, and Mr. FRANKS of Arizona.
H.R. 3742: Mr. MCNERNEY and Ms. MCCOLLUM of Minnesota.
H.R. 3779: Mr. GOODE, Mr. REHBERG, and Mr. SMITH of New Jersey.
H.R. 3782: Mr. ELLISON.
H.R. 3793: Mr. JOHNSON of Georgia, Mr. DENT, Ms. BORDALLO, Ms. SUTTON, Mr. DONNELLY, Mr. BRADY of Pennsylvania, Mrs. BOYDA of Kansas, Mr. WALZ of Minnesota, Mr. SHULER, Mr. STUPAK, Mr. YARMUTH, Mr. WAMP, Mr. WU, Mr. ELLSWORTH, Ms. SHEA-PORTER, Mr. SARBANES, Mr. KENNEDY, and Mr. CARNEY.
H.R. 3797: Mr. BLUMENAUER.
H.R. 3812: Mr. WAXMAN, Ms. SCHAKOWSKY, and Mr. JEFFERSON.
H.R. 3826: Mr. CARNEY, Mr. CRAMER, Mr. HILL, Mr. SHULER, Mr. PATRICK MURPHY of Pennsylvania, Mr. MAHONEY of Florida, Mr. CARDOZA, Mr. MOORE of Kansas, Mr. BOSWELL, Mr. COSTA, Mr. ROSS, Mr. LINCOLN DAVIS of Tennessee, and Mr. SCOTT of Georgia.
H.R. 3830: Mr. BAIRD.
H.R. 3837: Mr. CAPUANO.
H.R. 3852: Mrs. BLACKBURN and Mr. WALZ of Minnesota.
H.J. Res. 53: Mr. PAUL.
H.J. Res. 54: Mr. GERLACH, Mr. BILIRAKIS, Mr. COURTNEY, and Ms. SLAUGHTER.
H. Con. Res. 32: Mr. PUTNAM.
H. Con. Res. 134: Ms. SCHAKOWSKY.
H. Con. Res. 216: Mr. POE, Mr. BURTON of Indiana, and Mr. HENSARLING.
H. Con. Res. 220: Mr. MCCOTTER.
H. Con. Res. 224: Mr. HOYER, Mr. MORAN of Virginia, and Ms. DEGETTE.
H. Con. Res. 227: Mr. HASTINGS of Florida and Mr. TOWNS.
H. Con. Res. 230: Mr. SHAYS, Mrs. MCMORRIS RODGERS, Ms. NORTON, and Ms. DELAURO.
H. Con. Res. 234: Mr. MCCOTTER, Mr. ACKERMAN, Mr. MARKEY, and Mr. EHLERS.
H. Res. 68: Ms. WATERS and Ms. DELAURO.
H. Res. 185: Mr. SHERMAN.
H. Res. 213: Mr. SESTAK.
H. Res. 237: Mrs. TAUSCHER.
H. Res. 373: Ms. BERKLEY.
H. Res. 563: Mr. FILNER and Mr. SCOTT of Virginia.
H. Res. 578: Mr. PEARCE, Mr. BROWN of South Carolina, Ms. ROS-LEHTINEN, Mr. NUNES, Mr. WALDEN of Oregon, Mr. BURGESS, Mr. NEUGEBAUER, Mr. BARRETT of South Carolina, Mr. RADANOVICH, Mr. MCINTYRE, Mr. DAVID DAVIS of Tennessee, Mr. MARCHANT, Mr. LAHOOD, and Mr. BARROW.
H. Res. 618: Mr. WATT, Mr. COSTA, Mr. BISHOP of Georgia, Mr. HASTINGS of Florida, Mr. PRICE of North Carolina, Mr. HINCHEY, Mr. TOWNS, and Mr. MILLER of North Carolina.
H. Res. 661: Ms. CLARKE, Mr. LEWIS of Georgia, Mr. RUSH, Mr. RANGEL, Mr. TOWNS, Mr. CLAY, Mr. DAVID DAVIS of Tennessee, Mr. MEEKS of New York, Mr. FATTAH, Mr. SCOTT of Georgia, Mr. BUTTERFIELD, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Mr. WYNN, Mr. CLEAVER, Mr. WATT, Mr. JEFFERSON, Mr. MACK, Mrs. BONO, Ms. ROS-LEHTINEN, Mr. LINCOLN DIAZ-BALART of Florida, and Ms. WOOLSEY.
H. Res. 684: Mr. BERRY, Mr. ETHERIDGE, Mr. CHANDLER, Mr. POMEROY, Mr. RUPPERSBERGER, Mr. EDWARDS, Mr. CARDOZA, Mr. SALAZAR, Mr. HOYER, and Mr. CALVERT.
H. Res. 689: Mr. MICHAUD.
H. Res. 709: Mr. BARTON of Texas.
H. Res. 715: Mr. CALVERT, Mrs. MCMORRIS RODGERS, and Mr. TERRY.
H. Res. 726: Mr. LEWIS of Georgia, Mr. HARE, Mrs. NAPOLITANO, Ms. Linda T. SÁNCHEZ of California, Mr. HASTINGS of Florida, Mr. NEAL of Massachusetts, and Mr. LANGEVIN.
H. Res. 744: Mr. YOUNG of Alaska, Mr. SHULER, Mr. PETERSON of Minnesota, Mr. BRADY of Pennsylvania, Mr. RENZI, and Mr. SCHIFF.
H. Res. 747: Mr. ACKERMAN, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. AL GREEN of Texas, Mr. HOLT, Mr. ISRAEL, Ms. LEE, Mrs. MALONEY of New York, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. STARK, Mr. WEXLER, Ms. BERKLEY, Mr. CARDOZA, Mr. FILNER, Ms. ROS-LEHTINEN, Mr. BERMAN, Ms. CLARKE, Mr. FALEOMAVAEGA, Mr. HASTINGS of Florida, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. ZOE LOFGREN of California, Mr. MCNULTY, Mr. PALLONE, Mr. ROYCE, Mr. VAN HOLLEN, Mr. ENGEL, Mr. LAMPSON, and Ms. WASSERMAN SCHULTZ.
H. Res. 748: Mr. BURTON of Indiana, and Mr. PICKERING.
H. Res. 751: Ms. PRYCE of Ohio.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 106: Mr. LARSEN of Washington.

PETITIONS, ETC.

Under clause 3 of rule XII,

179. The SPEAKER presented a petition of the City Commission of Belle Glade, Florida, relative to Resolution No. 2613 requesting the Congress of the United States appropriate funds necessary to bring the Herbert Hoover Dike, and surrounding Lake Okeechobee, into compliance with current levee protection safety standards; which was referred to the Committee on Transportation and Infrastructure.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, WEDNESDAY, OCTOBER 17, 2007 No. 157

Senate

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, Your glory endures through the seasons and Your divine majesty sustains us.

Lead the Members of this body to a faithfulness that fulfills Your purposes. Keep them steadfast in the faith that You are at work in our world, ordering their steps and preparing them for victory. Use them to create laws that will extend Your kingdom in the hearts of the people of our Nation and world. As the seasons change, remind them that in all generations You have been our dwelling place, and though we are swept away like a dream, You are God from everlasting to everlasting. Guide the deliberations, debates, and decisions of this day. Activate each of us to love, encourage, and bless others.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 17, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we will have an hour of morning business today. The majority will control the first half, the Republicans the second half. Senator STEVENS is going to be recognized for up to 7 minutes following any time Senator MCCONNELL and I use. Following that period of morning business, the Senate will begin consideration of the Labor-HHS appropriations bill, Calendar No. 280.

Last night, with the cooperation of all Members, the Senate concluded action on the Commerce-Justice-Science appropriations bill. It is the sixth appropriations bill we have acted upon. Today, we will begin consideration of the seventh appropriations bill.

At 1 p.m. today, the Congress will honor the 14th Dalai Lama of Tibet with the awarding of the highest civilian honor—the Congressional Gold Medal. In view of this ceremony, the Senate will be in recess from 1 to 2 p.m. today.

Members should expect votes throughout the day and into the early evening as we move forward with the consideration of this bill.

APPROPRIATIONS CONFERENCES

Mr. REID. Mr. President, I want to underscore and confirm we are working hard to try to get a bill or bills to the President as quickly as we can. The conferences are moving along well. I instructed my folks to make sure that Republicans know what is going on with all these conference reports. I think we have to show good faith that they are going to be some real conferences, and I am confident that will take place.

With all our new rules, with the earmarking rules we have, we cannot do things as quickly as we used to. But there has been work going on between the staffs—Democratic and Republican staffs—on both sides of this building with the Appropriations subcommittees. As a result of that, I think the final conference product should move fairly quickly.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FISA REAUTHORIZATION

Mr. MCCONNELL. Mr. President, as the House prepares to take up the Foreign Intelligence Surveillance Act, I wish to remind our colleagues what we decided about this program a little over 2 months ago.

In August, a bipartisan Senate majority voted to embrace the two principles behind the original FISA law in 1978: that foreign terrorists overseas are a legitimate target—a legitimate target—for warrantless surveillance, and that Americans at home are not.

We did this because we had been informed by the Director of National Intelligence that advances in technology and an outdated provision in law had made it impossible for the intelligence community to act on the first of these principles, causing us to miss significant actionable intelligence.

The Senate responded to this information accordingly. We addressed the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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change in technology and updated the law, restoring to the intelligence community a tool it had effectively used even before the 9/11 attacks to track terrorist activity abroad.

Congress made sure in 1978 that the intelligence community was free to collect intelligence on foreign targets overseas and act on it quickly. In a post-9/11 world, we were insisting they continue to have this vital capability. Now we will have the chance to insist on it again, by voting against the bill that is being considered in the House or by approving an alternative that corrects its flaws.

The bill that is being taken up in the House has two major weaknesses. First, it requires intelligence officials to obtain a warrant before listening in on foreign terrorist suspects abroad. In other words, if we want to listen in on a terrorist in Tehran who may be talking about blowing up Los Angeles, we would have to stop and get a court approval first. I guarantee you, there is not a single person in this country outside this building who thinks that makes a bit of sense.

It is common sense that our ability to act quickly on the intelligence we get is a crucial part of our ability to prevent terror attacks here at home. This dangerous provision would create a new hurdle for intelligence officials to jump before they can collect and act on a live potential threat. Allowing it to stand would have been foolish before 9/11. It would be inexcusable now, which is exactly why we acted to remove it in August and why the President has rightly said he will veto any law that retains it.

Now, the second problem: This bill would expose U.S. phone companies to giant lawsuits for cooperating with the intelligence community in pursuit of terrorists, for doing their part—their part—to defend this country from terrorist groups such as al-Qaida. We need to be making it easier for our intelligence officials to detect terrorist plots against us, not harder, and we need to be rewarding people for helping us in this fight, not penalizing them or scaring them with the threat of a lawsuit if they do.

So let's make something clear right now: Any bill that leaves this Chamber must restore to intelligence officials the same tools they have had in fighting terrorism for decades. And it should reassure U.S. businesses that they have no reason to regret cooperating with intelligence officials in the past and that they should not be the least bit afraid to do so in the future.

The Bill of Rights does not extend to terrorists overseas who want to hurt us here at home. Our laws have always reflected that. In a post-9/11 world we are being asked to affirm it. We did not hesitate in August. We should not hesitate now.

The House bill that is being considered needs some major work. In addition to the two points I have raised, House Democrats have also struck a provision that allows the United States to conduct warrantless surveillance on foreign suspects who have information relating to the conduct of foreign affairs. In a time of heightened threats, we cannot throw away the tools we have always used to keep this country safe. I would urge my colleagues to give intelligence officials the tools they need to protect us, to give them a bill that the President will sign into law.

We cannot let our enemies exploit a weakness that we—and now they—can clearly see. We know the threat is real. The bill we pass should reflect that.

NOMINATION OF JUDGE MICHAEL MUKASEY

Mr. MCCONNELL. Mr. President, I am pleased the Judiciary Committee will begin hearings this morning on the nomination of Judge Michael Mukasey to be the Nation's 81st Attorney General.

Judge Mukasey has outstanding qualifications and a sterling reputation. Throughout four decades, he selflessly devoted his life to public service, culminating in his selection as Chief Judge of the United States District Court for the Southern District of New York.

As a jurist, Judge Mukasey handled complex legal problems judiciously, thoughtfully, and fairly. The complex problems that face the Justice Department merit similar serious treatment, and I am confident that were he to be confirmed, Judge Mukasey will bring his trademark qualities to bear in analyzing them.

Analyzing these problems requires a careful and deliberative process. It is a process that starts today, and it will continue after the Judiciary Committee's hearings are over. It is a process that does not lend itself to snap judgments or snap answers.

Judge Mukasey will not abandon his trademark qualities of judiciousness and thoughtfulness today, nor should we want him to.

It would be injudicious and unthoughtful for Judge Mukasey to make snap judgments about particular outcomes on highly complex and highly sensitive policies in the war on terror before he even gets into office. Judge Mukasey is not read into some of these programs, and is not, at the present time, fully familiar with others. Even if he were fully familiar with them, it would be imprudent for him to discuss their classified features in open sessions while our enemies are watching.

The Senate Judiciary Committee should be mindful of the complex problems that Judge Mukasey is being called on to solve, as well as the constraints under which he is operating. And it should treat him fairly. If he is treated fairly, I am confident the committee will report him to the floor for a prompt up-or-down vote.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

INTELLIGENCE BILL

Mr. REID. Mr. President, if I could briefly say, while the distinguished Republican leader is on the floor, I had a meeting late yesterday afternoon with the chairman of the Intelligence Committee, Senator ROCKEFELLER. He indicated to me that he and Senator BOND, the vice chair of that Intelligence Committee, are moving forward this week to have a markup on the Intelligence bill. It will be bipartisan. Senator LEAHY has announced he would move very quickly with the Judiciary Committee, which has joint jurisdiction of that.

Hopefully, we can have that bill to us within the next couple of weeks. We should get that done so it is not a last-minute deal like it was right before we broke for one of our breaks. I think it was before the August recess when we were pushed so hard on that matter. So I think things are moving along well. The Intelligence Committee is working extremely well. I am very satisfied with the work they have accomplished.

I see one of the members of the Intelligence Committee on the floor today, Senator NELSON, who has been such a great addition to the Intelligence Committee. He and other members of that Intelligence Committee devote hours of their time away from the TV cameras, away from reporters, trying to work out ways we can move forward against the evil that is focused on our Nation.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Under the previous order, the Senator from Alaska, Mr. STEVENS, is recognized to speak for up to 7 minutes in morning business.

The Senator from Alaska is recognized.

Mr. STEVENS. Thank you, Mr. President.

ALASKA ARMY NATIONAL GUARD DEPLOYMENT

Mr. STEVENS. Mr. President, today, I ask the Senate to salute the men and women of the 3rd Battalion, 297th Infantry Regiment of the Alaska Army National Guard.

This unit just returned from the Middle East for demobilization. Within days, the Alaska Army Guard members will start their return journey back to Alaska.

Today, they will be honored at a ''welcome home'' ceremony at Camp Shelby in Mississippi. I had hoped to be with them today, but due to the votes in the Senate and the committee assignments, I have remained here in Washington, DC.

The 3rd Battalion served with distinction in both Kuwait and Iraq over the past year. When this unit was mobilized in 2006, it represented the largest mobilization of the Alaska National Guard since World War II. These Guard members represent 81 communities in our State, including many Alaska Native villages.

Before their deployment last October, Senator MURKOWSKI and I met with this battalion in Camp Shelby. It was an exciting day as members of the units successfully completed their predeployment training. I was impressed with their high morale and dedication to our country.

Most of the members of the Alaskan Guard left behind families and jobs in Alaska to be part of this mission. Their departure caused hardship for their families and communities, especially in their small villages. But they were steadfast in their commitment to the mission and to our country.

The dedication of the 3rd Battalion reminds us that in our Nation's darkest moments—when freedom has been on the line—our citizen soldiers have answered the call to serve. Their duties and traditions are deeply rooted in our country's history. During the Civil War and World War II, it was our citizen soldier who tipped the balance and ensured our victory.

Members of the 3rd Battalion have carried forward this proud tradition. Their dedication to serve reflects the bravery and courage of those who came before them. Many of them are descendants of those who served with COL Muktuk Marston and other Eskimo Scouts in the Tundra Army during World War II. During that war in which I served, their predecessors defended our freedom in Alaska and around the world. I remember well the heroism of the National Guardsmen I served with in World War II. They, too, and these people now, have earned also the honor of being called the ''Greatest Generation.''

There are few of us left who lived through the dark history of World War II, but as I reflect on their service, I appreciate their bravery, commitment, and dedication. The men and women in uniform today are truly our newest ''Greatest Generation.'' We are comrades in the deepest sense of the word, and we should salute their service.

As citizen soldiers, they are a force not only on the battlefield but also a force in their communities. They are the link between the standing military units they serve and the people they protect. They also answer the call in national disasters.

In recent months, their mission was critical to the overall success of our operations in the Middle East and Iraq, and all Alaskans, especially those in their communities, are proud of their service.

On a day when we honor the 3rd Battalion, I believe we should also take a moment to reflect on those we have lost. Tragically, two Alaska Army Guard soldiers were killed and two were gravely injured in a training accident near Camp Shelby last year. We still mourn their deaths and send our deepest condolences to their families and friends.

We should ask God to bless them and God to bless the brave men and women, such as the Army National Guard, who volunteer to defend our great country. The thoughts and prayers of Alaskans, and I think of a grateful Nation, are with all of them.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will 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 Senator from Florida is recognized.

FISA

Mr. NELSON of Florida. Mr. President, following the majority leader's comments and admonitions about the coming telecommunications surveillance intercept bill, otherwise known as the FISA bill, I think what the majority leader said was absolutely essential, that the work product that comes out of the Intelligence Committee and then the Judiciary Committee be bipartisan in nature. We do not want to repeat what happened in the first week of August, in which there was so much misinformation and mistrust on both sides of the aisle. It was very difficult to cobble together a bill, which the intelligence community told us was essential because of the increased traffic, which is otherwise defined as increased communications of some indication that there might be the planning stages of an additional attack upon the United States. In that atmosphere of warnings, we were told we had to pass a bill.

It was in that crisis atmosphere that a piece of legislation was cobbled together in the midst of mistrust and misinformation on this floor. But the safeguard was put on it that what was passed and ultimately signed into law by the President was only good for 6 months. In other words, it sunsetted or ceased to exit at the end of 6 months. Therefore, in now constructing the permanent law, we need to come together.

Now, this Senator, a member of the Intelligence Committee, has been quite firm in my insistence to both of the leaders of our committee—Senator ROCKEFELLER, the chairman, and Senator BOND, the vice chairman—that they come out with an agreed-upon, bipartisan piece of legislation to protect the rights of American citizens, their civil liberties, their privacy and, at the same time, to be able to utilize instruments of the Government of the United States to be able to go after the people who want to do us harm. I believe that the agreement has pretty well been reached between Senator ROCKEFELLER and Senator BOND. What is potentially going to hold up an agreement is the question of what kind of immunity should be given to the telecommunications companies who had, at the request of the U.S. Government, after September 11, 2001, allowed their databases to be used for the purposes of trying to determine who the bad guys were.

Everything I am saying has all been out in the press. It is well established. The House has taken a position of not wanting to have any immunity for the telephone companies on a retroactive basis. They already have immunity on a going-forward basis as a result of what we passed in August, and that is now law. It is my hope that the two leaders of the Intelligence Committee will be able to get agreement on what that immunity should be, and that will be a large part of the discussion that is supposed to take place in the markup in the Intelligence Committee tomorrow.

As the majority leader, Senator REID, said, it is very important we get this right and that we get this done soon in order that it can then go from the Intelligence Committee to the Judiciary Committee and that it can come out of the Judiciary Committee, come to the full Senate and then a conference committee can iron out the differences between the House and the Senate versions and then get a final product to the President for him to sign into law. It is important it be done now in a timely manner, instead of waiting until the last minute, when the clock is going to strike 12 on the tolling of the time of the 6 months that the law will cease to exist. This ought to be done under the cool deliberation of making it right instead of being forced into decisions at the last moment because time is running out. It is my hope, and it is certainly going to be my intent, to try to help this process along as a member of the Intelligence Committee.

PRESIDENTIAL PRIMARIES

Mr. NELSON of Florida. Mr. Presdient, I actually came here to talk about a different subject, and that is the fracas that is now engulfing the National Democratic Party with regard to the selection of its Presidential nominees. Florida is right in the middle of this because an order was set up under the rules of the Democratic National Committee that allowed four States to go before any other State, and those four States, they set out an order and said it would be first a caucus in Iowa, then a caucus in Nevada, then an election, a primary election in New Hampshire, and then a primary

election in South Carolina. Those were going to be representative of the country and all of those four had to occur before any other State could start its primary or caucus in the selection of the Presidential nominees and that the date they could start was February 5 of next year.

Over the objection of Democratic State legislators in the Florida legislature—indeed, with the Democratic leader of the Florida Senate offering an amendment to keep Florida's election from violating the Democratic National Committee rules and, therefore, to be on February 5, over his and others' objections—the Florida legislature changed the date of the Florida Presidential primary from March to January 29. The Florida legislature is basically two-thirds Republican, one-third Democrat, in both Houses of the legislature. Governor Crist, a Republican, signed the legislation, setting the Florida primary date as January 29, and signed it into law.

The Democratic National Committee took great umbrage at this and under its rules said it was going to strip Florida of half its delegates. That is what the Democratic National Committee rules provide. In the Democratic National Committee Rules Committee's deliberations, they went further. Unlike the Republican National Committee, which said they would take away half of Florida's delegates for the Presidential nominee, the DNC said: We are going to punish Florida completely by taking away all their delegates to the convention. What is more, we are going to enforce a part of the DNC rules that say, unless Florida backs up and ignores that election, makes it a ''beauty contest'' that has no meaning and selects their delegates sometime from February 5 or later, Florida was going to receive additional punishment, which was that no Presidential candidate could go and campaign in Florida, and campaigning was defined as speaking in Florida, interacting with voters in Florida, hiring campaign staff in Florida, opening an office in Florida, having a press conference in Florida, except—oh, by the way, you can go into Florida to raise money.

This is as violative of the constitutional right of freedom of speech as anything I have ever heard. It conjures up that you can't come to Florida so Florida Democratic voters can interact with Presidential candidates unless you pay a fee at the door in order to gain entrance because it is a fundraiser. Doesn't that remind you of something that was held unconstitutional called a poll tax?

It was because of this kind of punishment that was inflicted on the 4.25 million registered Florida Democrats that this Senator, with a heavy heart, joined with his colleague, Congressman ALCEE HASTINGS, also with a heavy heart, and filed suit in Federal District Court in Tallahassee, the seat of government of our State, against Howard Dean, the chairman of the DNC, and the Democratic National Committee.

A defendant was also named, Kurt Browning, the secretary of state of Florida, purely for functionary purposes since he is the one authorized under Florida law to conduct the election. As a result, that suit had been filed 2 weeks ago alleging the violations of the Constitution in the 1st, 5th, and 14th amendments, as well as violations of the Voting Rights Act of 1965.

A Federal court will ultimately determine that issue of whether the party has the right to prohibit people, in a duly called, State-run, State-sanctioned by State law election, whether that national party can take away those constitutional rights of people to see and hear and interact with the Presidential candidates, as well as taking away all of their ability to be heard at the national convention by stripping away all of the elements. That is the issue in front of the court.

It should not have come to this. For the last 6 months, I and others, like Congressman HASTINGS, have offered compromises on three different occasions, three different compromises on how we could get out of this box. It would be a win-win situation, but the DNC and its rules committee said ''nyet,'' they are going to sanction Florida.

Why am I making this speech this day, Mr. President, when the suit was filed 2 weeks ago? Because there is a news article in this morning's papers saying that the Iowa Republican Party has announced that it is bumping up its caucus, not where it was previously prescribed—somewhere in the middle of January of next year—but instead moving it up to January 3. And South Carolina Republicans, some time ago, had a joint press conference with the secretary of state of New Hampshire, who under New Hampshire law is the sole authority to determine what date New Hampshire's primary, both Democratic and Republican, will be held, and the South Carolina Republicans announced that they were moving their primary up some 10 days earlier—it might have been 8 or 9 days, but it was earlier than the prescribed time of January 29—to which the New Hampshire secretary of state said he would move New Hampshire's primary up early.

So the question that is begged today, Wednesday, the middle of October, is, if all of these parties are jumping early and the order that the Democratic National Committee wanted to preserve is being thwarted, does the DNC intend only to punish Florida Democrats or will, in fact, they punish the Democratic parties in New Hampshire and Iowa if they, in fact, jump forward from what the DNC rules had prescribed?

So I bring to the floor of the Senate something that involves only a few States. Yet it has enormous implications for the entire country because this is the process by which we select the Presidential candidates of the two major parties, one of which is likely to be the next President of the United States.

Because of all this fracas and I think just the news of today that indicates the Iowa parties are jumping much earlier, we will probably now see all of the others start to jump, and as a result there will be increased turmoil. It is certainly my hope that reason will prevail and the Democratic National Committee, which has taken out its frustration on Florida, will suddenly realize there is no reason to continue that frustration on Florida because, at the end of the day, if everybody else is doing it, why just try to punish Florida? And because of this fracas, this turmoil, will reason prevail that there is a better way to do this? It is regional primaries spaced out in a logical order over one in March, two in April, two in May, and one in June, that would give the candidates plenty of time to get around to these regional primaries, which order could be determined by lot, and in that primary one State from each region in the country could have an election, so no particular part of the country is favored. In the favored first status, all of this fracas should point to that goal.

Let's bring order out of this chaos in the way we select the next President of the United States in both of these great political parties that participate in American politics.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, it is none of my business, but I say to the Senator from Florida that I tend to agree with him. Maybe it is a regional thing. I wish him good luck in his effort to have Florida assume its rightful place.

CHILDREN'S HEALTH INSURANCE PROGRAM

Mr. LOTT. Mr. President, a lot of discussion has been going on today, this week, and over the last few weeks about a very important program; we call it SCHIP. That is Washingtonspeak for health care for children, which has a very important role for the States to administer this program. This week, the House will be voting on the President's veto of this issue. That is the way things work in Washington. It is not very pretty. I am not proud of the whole process we have gone through on this issue.

First of all, I have a message for everybody involved. Let's put low-income, poor kids first. Let's figure out how we deal with their needs. That is what caused this program to begin with.

I had the pleasure of being the majority leader in the Senate in the 1990s when this program was created. I remember the debate. It was pretty hot. Phil Gramm of Texas was saying: Wait a minute, we need to put protections in

here, and Senator KENNEDY and Senator HATCH were very much involved. But then a bipartisan agreement broke out, the way we used to have happen around here occasionally. We created a program, well-intentioned, that was targeted for low-income children, to make sure they had insurance coverage. It was not a massive number; I guess we were thinking in terms of 6 million, with the idea that might go up as time went by and more people or parents were made aware of the program and information was gotten to them and they could come onto the program. I think it has worked well. It has been successful. It covered a lot of low-income children who would not have been covered otherwise.

Now, of course, we come to a period where we have to extend the program, and it has been very difficult. I acknowledge right up front that Senator GRASSLEY tried to find a way to work through this issue and get a proper result. He and Senator BAUCUS, the chairman of the Finance Committee, wound up coming together and getting an agreement. I also acknowledge that a lot of the problems have been exacerbated by the previous administration and this one because they kept granting waivers to States to go above the 200 percent of poverty, up to as high as 350 percent of poverty, making not just low-income, poor children eligible but children of families making up to—I don't know the exact number—$62,000 or $63,000, and some States were applying to go to 400 percent of poverty, which would go as high as an $80,000 income for families. That was not our intent. Plus, adults have been added. Only in Washington can you get confused about a program that is for kids and then start putting adults on it. But States started doing that and waivers were requested, and the administration, unfortunately, for a while granted those waivers. I think we should put limits on those waivers. Thank goodness, finally the administration turned down the most recent application for going up to 400 percent of poverty.

So here we are. Some of us on the Finance Committee said: Look, we want this program extended. The President recommended that it be increased by $5 billion, which is about $1 billion a year. Some of us on the Finance Committee realized that probably was not enough to cover the children now on the program plus to get more low-income children who should be eligible and should be covered, covered. So we were looking at going above the $5 billion increase the President originally suggested. How much? That is what the legislative process is about. Is it perhaps $9 billion instead of $5 billion or maybe $12 billion? I wasn't wedded to a number; I was wedded to a concept and a program to make sure we cover those now on the program. Some should not now be on the program. But we wanted to make sure low-income children are covered first.

The administration, to its credit, did put in place a provision that would say you cannot start insuring middle-income children until you have insured 95 percent of low-income children. This bill which has been vetoed by the President would knock that out. What? If our goal is to insure low-income children, why would we not require that? But the compromise that was worked out went to $35 billion. It would allow for kids who are not in the low-income category to be covered.

The President vetoed it. I think he should. Now the House is going to sustain that veto. My question is, Now what? We have made our positions clear. We have had a grand old time playing politics with kids. Let's get over it. We need to get a result. That is the way it works. Somebody was saying in that very chair last night that the Congress has a role to play. Yes, and so does the President. Some people say: Look, there was a bipartisan compromise worked out. Yes, but some of us who would like to have been involved, who were there when the program was created, didn't get involved. We just thought we would do what we want and shove it over to the President and say: Take this. But he doesn't take it. So now we sit down and work it out.

What is the plan of the Democrats? To let the program just collapse? That is unacceptable. Nobody is going to stand for that. Then I hear: Well, the plan is to keep extending it in increments—maybe 30 days, maybe 90 days. We want to keep it alive until next fall. Look, we can play politics and partisan politics, but do we have to use kids in the process? I don't think we should do that. We need to make sure we have a program that works.

One of my big problems about the plan we have is that it would put 2 million kids who now have private insurance on the Government rolls. That is part of the plan. The plan is to get them off of the private plan, which the families can afford; they could not get on Medicaid, so we will get them on the SCHIP program. I think that is a mistake. Of course, I think there is phony budgeting in the bill the President vetoed. I think the funding is not reliable.

Now, at least the Senate came up with something that was a little more defensible than what the House was working on. They said: We want to take money from Medicare Advantage, elderly people in rural areas, and use that savings to pay for the children's health program. That was a total nonstarter with the Senate, thank goodness.

What did we come up with? Cigarette taxes. Who wants to stand up here and defend tobacco? I will. I smoke a pipe. I don't do it in public. My mother wouldn't approve of me doing that. By George, I make that choice. I don't apologize for it. But, oh, it is a part of the politically correct position now: Let's make everybody quit smoking cigarettes. There are no good tobacco products.

This is still America. We do still have choices. And by the way, let's assume it works. If we jack the price of a package of cigarettes a buck a package, which is what this would do, it is going to eventually, I guess, discourage people and low-income, poor working families: Gosh, we can't afford cigarettes; maybe we will quit. Good, that is great. I don't deny it is not good for your health. Maybe they will quit.

This is the problem: If they do quit, we would not get the money to pay for the SCHIP program. Think about that. We are do-gooders here, we are going to raise taxes on tobacco products to pay for the Children's Health Insurance Program. That way we will make them quit smoking. And, oh, you mean then we would not have the money? Yes. You can't have it both ways. It is the kind of stuff we do around here. It is ridiculous.

So the money would not be there. The program is not going to be funded. We all know better than that; it is going to be funded. At some point, if the tobacco money doesn't come in, which I assume it would not because we have gone crazy trying to tax it out of existence—by the way, this is an area States usually handle. But, no, we are going to put a 61-cent Federal tax on cigarettes and that will further block what the States might do to raise revenue for their programs. By the way, they do a better job of running the health programs than we do anyway. It is part of the inconsistency here.

There are many problems with this bill. I have always said, OK, let's have our political debates. Let's stake out our partisan positions and then let's sit down and work something out. Is that what the people expect us to do? That is what the legislative process is all about.

I don't have the Holy Grail in this area. I realize it would be a give and take. I believe Senator GRASSLEY and I and representatives from the administration and Democrats can work out this legislation. The President said: Let's negotiate. Yes, I think he ought to send his top people down here and humbly say to the leaders in the Congress, Republicans and Democrats in the House and Senate: What can we do to work through this bill now and get this program extended to where it covers genuinely poor kids and get it beyond the next election? I urge we do that.

I don't presume to try to say who would be in the room. Pick anybody. But I say this: That is what needs to be done. Let's go ahead and rack up the political points and politically let's say this one goes to the Democrats. Policywise, I have no qualms about the position I have taken. I am perfectly comfortable with it. But also I am prepared to say enough is enough, let's move on, let's get a compromise worked out, and let's protect this program which is well intentioned but which, for good reasons, we have gotten carried away.

There are some people who might say: Let's cover all children with a federally funded health insurance program. Maybe we can raise taxes to $5 a package, 10 bucks a cigar. It is ridiculous. There are other ways we can get revenue. I hope we will get started on that as soon as the House votes. They will sustain the veto, and then we can sit down and work this out.

I yield the floor.

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I came to the Chamber to speak on an oversight issue on which I have been working for well over a year. But before I speak on that subject, I wish to take advantage of the opportunity to respond to incorrect impressions about the compromise State Children's Health Insurance Program bill on which the House is going to be voting tomorrow. I am speaking as much to Republicans in the House of Representatives as I am responding to some of the points Senator LOTT has made. These reminded me that regardless of how many speeches one gives around here, regardless of how many explanations one gives of what our bill does and does not do, nobody listens. We get the same wrong statements being made time after time. I wonder, does anybody ever listen? Maybe they don't like to have CHUCK GRASSLEY say it.

I was a negotiator for the Republicans. I never had a single Republican tell me since January that they didn't want the SCHIP program reauthorized after a 10-year sunset. I never had one of them say it wasn't a program that was serving a good purpose. I had a lot of people express faults about what is wrong with the present program. Most of those issues have been corrected in the legislation the President vetoed.

I finally got people to realize the $5 billion the President put in his budget on top of baseline is not enough to do what we are already doing. Even the Republicans on this side offered $14.5 billion over baseline, which still is not enough to do what needs to be done to take care of the kids we are taking care of now and extend coverage to other eligible but uninsured low income children.

Some people are saying this bill should have been vetoed because there are adults in the program. But it was this Administration that approved the waivers to cover adults. The bill that the President vetoed did away with waivers. What has been in the program for 10 years this bill does away with. Childless adults are not going to be on the program. New waivers for parents under SCHIP is prohibited. For states that currently cover parents, the federal match is reduced. But yet people are still saying to me, from the other body, as I talk with Republicans over there to vote to override the President's veto: Why are we letting all these adults on? The waivers did that, and we do away with the waivers.

Also, in my conversations with people in the other body, as I try to convince them they ought to vote to override the veto, this $83,000 number keeps coming up. There was an inference made to it in the previous speech. That is not in our bill, and yet the President in his veto message referred to our bill allowing people up to $83,000 to get on SCHIP. That is in the law. It has been in the law for 10 years, and that can only happen if the President of the United States says a State can do that upon that State's request. Only the President can allow that to happen. That has been that way for 10 years. So don't tell me our bill allows States to go up to $83,000. That has been the law.

What about the statement of having genuine poor children on this program? I agree. Do you know that 92 percent of the kids on the program are in families under 200 percent of poverty? Somebody can say: What about the other 8 percent? OK, so what do we do about that? Because there has been an inference to a State Health Official letter to states released on August 17, 2007 that we did away with what would have prevented that. But the policies in that letter were flawed and unworkable. What we did is we made those policies workable in our legislation. So the emphasis on kids under 200 percent of poverty works out this way: First, we reduce the Federal match to the Medicaid match for any state that wants to go over 300 percent of poverty, beginning upon enactment of the bill. Then, by 2010, any State that wants to go or to continue to go above 300 percent of poverty for children has to demonstrate that they have reached the targets determined by the 10 best States covering kids under 200 percent of poverty. If they do not meet the target, they get no Federal match for kids over 300 percent.

So don't tell me the bill before us does not have emphasis on low-income kids. It has emphasis on low-income kids.

It was not brought up in the previous speech, but in my conversations with the House of Representatives, I have had this other smokescreen thrown at me: Our bill allows illegal immigrants to get on the program. For the first time, we are doing in SCHIP what has never been done before, what we have done for Medicaid in the Deficit Reduction Act. We are making it so that illegal immigrants cannot get on the SCHIP program.

People are paid to read legislation, and I don't know how the President of the United States, who gets paid a heck of a lot more than I do and has a lot of advisers who get paid a heck of a lot more than I do—I don't know how they can have him put in a speech that this bill allows people over $83,000 to get into the program, or there can be speeches in the Chamber of the other body saying we are opening the door for illegal immigrants to be covered by this program when we are doing more than existing law does in that area and where existing law already allows, if the President approves it.

And then this business of adults being in the program—absolutely right, three States have more adults on the program than other States. How did that happen? This administration gave waivers for that to happen. We do away with those waivers. I have heard all the complaints from this side of the Senate, the Republican side of the Senate, that there is no ''A'' in SCHIP—and I agree, it shouldn't be for adults—and I even heard Democrats strongly speak to this point. This program should never have gone in that direction. We do away with waivers.

I ask everybody to read the legislation, and particularly Republicans in the other body, before they vote tomorrow to override or not override because all these inaccurate representations of the compromise bill are creating a very bad mistake. It's so bad politically that the White House is looking for some way to get out of this situation. Probably that some way to get out of it is negotiating another bill with us. But it would be smart if the White House would send a signal to the House of Representatives: Override our veto; we made a mistake.

GENERAL SERVICES ADMINISTRATION INVESTIGATIONS

Mr. GRASSLEY. Mr. President, I now wish to address this body about some investigations I have been doing over a long period of time.

This is a report to my colleagues that senior executives at the General Services Administration may have failed to meet their responsibilities to the American taxpayers. These issues were carefully examined in two oversight investigations conducted by my staff. These investigations have uncovered a disturbing change of circumstances at the General Services Administration.

In a nutshell, it is this way: These studies indicate that top-level General Services Administration management interfered in contract negotiations with Sun Microsystems. They put pressure on contract officers to sign a potentially bad contract. When that person refused, they had that contract officer removed under duress.

All the evidence from this investigation suggests that this particular contractor had been overcharging the Federal Government for years. The contract officer believed the proposed terms were still not fair to the Government. Even worse, these reports also indicate that allegations of intimidation against the General Services Administration Office of Inspector General and its auditors may have been fabricated. This may have been done to cover high-level pressure on contract officers or maybe because the new contract was signed on terms dictated by the contractor. When I asked for audits of the new contract, this contractor resisted tooth and nail, and in the end they canceled the contract before audits could be completed. I want to repeat that, because this is the bottom

line. When I asked for audits of this new contract, this contractor resisted tooth and nail, and in the end they canceled the contract before the audit could be completed. That ought to tell you something about that contract.

I think it is important my colleagues know what my staff uncovered at the GSA, not merely for the purpose of pointing out mistakes but for the purpose of seeking solutions, because these investigations are about fixing a problem.

Let me set the record straight. This is not some sort of witch hunt for the Administrator of GSA or anything else. Quite simply, this is oversight and investigation, or O&I, as we call it around here on the Hill.

In doing this oversight and investigation work, I am fulfilling one of the most sacred responsibilities of a Member of Congress. As with all my investigations, I want to be certain every tax dollar is spent wisely and according to law—nothing more, nothing less. With that in mind, I want to address the findings of these investigations that are documented in separate staff reports.

The oversight work began last September when I was informed Administrator Lurita Doan of the GSA was attempting to cut the inspector general's budget for audits. These are the policemen to see that the money we appropriate is spent wisely. It appeared that this administrator was attempting to neutralize the inspector general, especially in the area of oversight of Government contracts. This was a red warning flag, so I decided to dig deeper.

The Administrator was alleging that the Office of Inspector General—or I might refer to that as the OIG—was abusing its power by threatening and intimidating Government contracting officers and vendors. These allegations were raised by the Administrator in numerous statements, publicly and internally, and in letters to me. According to three separate witnesses, Administrator Doan even compared the inspector general officials to terrorists.

These allegations concerned me for two reasons: First, I was extremely concerned that sworn Federal law enforcement agencies and agents, and accredited auditors, might be abusing their power. Second, if there was no factual foundation for these allegations, if they were fabricated, where did they come from and why did they come?

I asked Administrator Doan to provide me with specific examples of the alleged intimidation. Since she had aired these allegations in public, I thought she would provide me with specific details to support the charges. The fact is, she could not. In reality, only one specific instance was brought to my attention. In the end, my staff could find no evidence whatsoever to support those allegations. Sadly, it appears as if that one specific allegation was fabricated to cover up intense top-down pressure on contract auditors to award a contract that was detrimental to the taxpayers.

It was a bureaucratic smokescreen that opened a much larger can of worms. That can of worms was a contract awarded to Sun Microsystems, Inc. in 1999 for computer products and services. The inspector general had this particular contract under a microscope for several years. The IG audits indicated that Sun had failed to report significant discounts given to commercial contractors, as mandated by the contract; in other words, transparency when you are doing business with the Federal Government. Because this information was withheld—in other words, their commercial contract arrangements—Government customers paid much higher prices than Sun's commercial customers. The Government was losing money because of these unfair pricing policies, losses potentially in the tens of millions of dollars. These and other alleged contract violations, including potential fraud, were referred to the Department of Justice and now are in the Federal courts.

The alleged fraud was first reported to General Services Administration management in February of 2005. GSA management had several options, including seeking a better contract, canceling that contract, or suspension. In fact, three GSA contracting officers who handled the Sun contract attempted all three remedies. In each case, intervention from upper management at GSA blocked those moves. Upper management turned a blind eye to the alleged fraud, preferring instead to do business as usual. Then they began applying serious pressure on the contracting officer to extend the contract with Sun for another 5 years.

In August of last year, the GSA contracting officer assigned to the Sun contract dug in his heels, holding out for a better deal, protecting the taxpayers of the United States. He believed the terms offered by Sun in negotiations were not fair to the Government.

Now, if you ask senior GSA management, you get a very different story. Those individuals, including Ms. Doan and FAS Commissioner Williams, claimed this contracting officer was so intimidated, browbeaten, even, by OIG auditors, that he had to be replaced. The facts, however, do not support that allegation or explanation.

The contracting officer and his immediate supervisor both deny experiencing any intimidation from the inspector general auditors. They say, in fact, it never even happened. The source of the allegations has changed her story several times. In fact, she continued to support the contracting officer's position in negotiations—a position that was fully aligned with the inspector general auditors' position—even after claiming he was being intimidated into that position by the same auditors. If that position was tainted by the inspector general auditor intimidation, why would she support it?

One other fact seems to have escaped the GSA managers making these allegations. IG auditors have no direct influence over a contracting officer's career. The only person with that kind of authority is the contracting officer's supervisors, not the inspector general.

There is some irony here too. The same GSA managers who accuse the OIG auditors of intimidating this contracting officer had themselves attempted in vain to intimidate him into awarding the contract.

So it seems that GSA management tried to turn the concept of intimidation upside down. Now, why would they do that?

The evidence suggests these allegations were a smokescreen to hide the actions of the General Services Administration management. They used it for cover while ramming through a contract that may be bad for the taxpayers. There should be no greater motivation for those in Government procurement than protecting the taxpayers' money. Contracting officers who are warranted by this Government should be allowed to fight in negotiations for the best deal for the taxpayers, saving money where they can. Any pressure, any suggestion, any direct involvement by management to thwart that mission would be out of line. What Administrator Doan, Commissioner Williams, and others did to short circuit this process, then, is entirely wrong. To turn up the pressure, senior GSA officials, including Administrator Doan, were communicating directly with Sun Microsystems, Inc. and their lobbyists during negotiations. They made sure that contracting officer knew about that contact they were having. What kind of message does that send to a contracting officer fighting for a good contract to save the taxpayers' money? What kind of message does that send to the current and potential Government contractors, wherever they might be?

I would say that, at the very least, it tells them that if you don't like the deal offered by the contracting officer, go over his or her head. Go to the very top. Get the problem fixed. Get the price you want out of the taxpayers. It also says if the contracting officer is in the way, get rid of the contracting officer and get one who will do the dirty deed.

It would be bad enough were this the end of the story, but it isn't. After forcing out the contracting officer, GSA management assigned a new officer. It took her 9 days to negotiate a final deal with Sun. But what did the Government get?

In interviews, this new contracting officer claimed that she didn't need to talk to IG auditors who had years of knowledge on the Sun contract. She claimed she could solve any impasse in negotiations by listening to what the

contractor had to say. Many of the provisions she adopted were ones steadfastly opposed by the previous contracting officer—the very same ones that led to the so-called ''impasse'' and the removal of that contracting officer.

The new contracting officer even admitted during questioning that she did not fully understand key provisions of the contract. She admitted making ''big oversights'' in some of the contract terms. I fear the Government got a contract based on terms that were dictated by the contractor. I ask you: Is this GSA management's idea of how to negotiate?

After my staff interviewed the new contracting officer, I realized I needed to know more about the new contract. That is the one signed in September 2006. Was the Government continuing to lose money due to the unfair pricing and unreported discounts that they had with the commercial sector?

As a Member of the Senate who cares deeply about oversight, I would have been remiss in not asking more questions. So on June 5, 2007, I asked the GSA inspector general to conduct an audit. I asked the IG to look at the terms of this new contract.

Now, if this contract was such a ''good deal for America,'' as has been suggested by Sun on the one hand and GSA management on the other hand, then one would think Sun would rush to cooperate. Wouldn't they? Well, they did not. Instead, for 3 months, Sun complained to me, they procrastinated, they withheld information and fought the audit at every step. They also lashed out at the GSA inspector general, claiming bias—maybe because the IG had nailed him in the past. To his credit, IG Brian Miller held his ground and forged ahead with the audit.

This is what happened, and sadly so, because you don't get to the bottom of it then. Sun chose to cancel this contract on September 13 of this year, without waiting for the completion of those audits. This entire situation is extremely unfortunate, possibly preventable, and certainly baffling. Why would Sun cancel a contract that it had fought so hard to get? Did Sun have something to hide?

Government contracting, particularly multiple award schedule contracting, appears to be in serious jeopardy. Contracting officers are in short supply and are quitting in alarming numbers. They are overworked, they are stressed, and some try to juggle 100 or more contracts at any given time. With that kind of workload, assuring contract compliance is out of the question.

One of the culprits here may be the industrial funding fee structure we use in Government. This is money that the GSA charges other agencies that tap into governmentwide contracts negotiated by GSA. These fees are the lifeblood of the General Services Administration and are responsible for the lion's share of the agency's budget. The incentive is to maximize fees and agency profits. This creates what has been described as a ''perverse incentive.'' Getting the best deal for the Government and the taxpayers gets lost in the drive for more contracts that generate more fees to fill that agency's coffers.

I feel the Sun contract fiasco may be only the tip of the iceberg. I hope it is an exception, but many contracting officials suggested otherwise.

Am I suggesting that Government procurement is broken beyond repair? No. I do think that GSA procurement officials have a lot of work to do to make sure these situations are corrected. They certainly need to clean up their act, and they will need to make hard choices to fix these problems.

GSA has a professional force of contracting officers. GSA management needs to let them negotiate the best deal possible without interference from the top. Interference in that process as evidenced by the Sun negotiations may not violate the law, but it is not right and it does not protect the taxpayers.

Senior GSA management needs to realize that what may be profitable or strategically important for the GSA may not always be in the best interests of the taxpayers. GSA managers also need to recognize the need for oversight and followup on awarded contracts. Contract officers need to be able to fight for the best possible deal for the taxpayers, even if it means the loss of a contract that is lucrative to the agency for their operating expenses, or for the vendor. GSA must never forget that the real customer is the American taxpayer.

Today, I am forwarding three investigative reports to Administrator Doan, to the GSA inspector general, to the House and Senate oversight committees, and the White House Chief of Staff for review. These reports contain proprietary and privacy-protected information and will not be made public by me. The reports provide in great detail the results of these significant investigations into the allegations of inspector general auditor intimidation and top-level GSA management intervention in the Sun Microsystems contract negotiations.

As I said, it is not my intent to point the finger at any one individual or company. My sole purpose is to get to the bottom of what may be a significant problem in Government contracting and, of course, get it fixed. I respectfully ask GSA Administrator Doan and the inspector general to address the problems identified in these reports and to take appropriate action in the future. I hope GSA will do a better job of protecting the taxpayers' money.

I apologize to the chairman and ranking member of the Labor-HHS Subcommittee for taking this time, but I believed I needed to respond to some of the speeches that were made about the health program before I gave my report on my investigation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, before the distinguished ranking member leaves the floor, I wish to acknowledge a couple of things—one, my appreciation for his hard work on the SCHIP program and my understanding of his frustration with some of the misunderstandings that have taken place in the debate on all sides. For just a couple of minutes of the Senate's time, I wish to discuss how we got where we are and how we need to get to where we are going to be. But before he leaves, again, I commend the distinguished ranking member on his effort on behalf of children's health insurance and his effort to clear the record in hopes that, in the end, it will be a foundation for all of us to clear the record of misunderstandings. There is fault enough to go around, starting with the administration and then taking both sides of the issue. But I commend the chairman for his hard work.

Ten years ago, I chaired the State Board of Education of Georgia when the SCHIP program was first authorized. I took it upon myself, in that capacity—the one that met closest with the children in need in Georgia—to initiate a broad program of registering and getting the information out so that every poor child in Georgia who was eligible could be covered by SCHIP, which in Georgia is known as PeachCare.

On the floor of this Senate earlier this year, I fought, along with Members from 17 other States, to get additional funding necessary on an interim basis because of the shortfalls that took place in the SCHIP program. I commend this Senate now on working to reauthorize SCHIP.

We are in a dilemma. There are differences of opinion on the eligibility. There are differences of opinion on the amount of money. There are differences of opinion on how it should be raised. There have been statements that have been made that are correct and statements that have been made that are wrong. But if the House sustains the veto of the President, we find ourselves in a position I would like to address for a second, a position where there are enough agreements for us to make to come back to the floor and pass a SCHIP bill that can be reauthorized and pass this Senate almost without objection.

Everybody in the Senate agrees SCHIP should be reauthorized. On the vote to extend the current program through November 16, on the continuing resolution, there was only one dissenting vote, and it was not about SCHIP. The questions are who should be eligible, how far the program should go, whether it should run in one direction or another, and how it should be funded. Just in the remarks made by the distinguished ranking member, as well as previous remarks made by the minority whip prior to Senator GRASSLEY's remarks—both sent the signal that there is room in the middle.

I hope the administration will understand that a lot of the frustration with the current state of SCHIP has been the waivers—13 of them—that have been granted by this administration to expand SCHIP during the last 10 years, beyond what the Congress and beyond what the Senate intended it to be.

There is common ground in front of us, and it is the poor children of America. There is a good solution in front of us, and that is to see to it that SCHIP is what it started out to be. As Senator GRASSLEY has said, the bill that went to the President and was vetoed did correct some of those waivers. As others have said, there are serious questions on the financing mechanism. But there is no question that this Senate should be ready and prepared, immediately when the veto is sustained, to go forward and find a compromise that works for the poor children of America.

It is critical to me, as one who started in Georgia 10 years ago to register those eligible children, to see to it that they continue to get the promise that was granted by the Congress of the United States. It is equally important to me to see to it that we do not expand that program beyond what was intended and ultimately end up compromising the very poor children we started out to help.

I commend the Senator on his remarks. I urge the administration to immediately aggressively pursue avenues of agreement so we can come together as a Congress before November 16 and unanimously pass a SCHIP bill that works for the poor children of America and is fiscally accountable to the taxpayers of the United States of America.

Mr. President, I yield the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3043, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3325

(Purpose: In the nature of a substitute)

Mr. HARKIN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself and Mr. SPECTER, proposes an amendment numbered 3325.

Mr. HARKIN. 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.'')

Mr. HARKIN. Mr. President, we are now on the appropriations bill for Education, Labor, Health and Human Services, and related agencies. Before we get into the bill, I want to explain a couple of things. I will be yielding to my partner, Senator SPECTER, for his opening statement. Then I will follow with mine. It is not the usual order. Usually, the chairman goes first. But Senator SPECTER is very much involved in Judiciary Committee hearings today, and he has to return to that. I will respect that and yield to him in a moment.

I wished to make it clear to our fellow Senators there is a change in the bill they will now notice, the substitute at the desk. The amendment Senator SPECTER and I offered basically strikes the language in the bill dealing with stem cells. Again, I do this with regret. Senator SPECTER and I have worked together for many years to advance the cause of embryonic stem cell research. In fact, we worked together on the first bill President Bush vetoed in his first 4 years. That was our stem cell bill, the only bill he vetoed in 4 years. We then came back with another stem cell bill this year, and he vetoed that also. That veto override has not taken place yet.

So together we put some additional language in this bill to further the cause of trying to break through and get embryonic stem cell research covered. However, we received a statement of administration policy from the administration yesterday saying they opposed our bill for two reasons. It says it includes ''an irresponsible and excessive level of spending,'' and then it says, ''The administration strongly opposes provisions in this bill that overturn the President's policy regarding human embryonic stem cell research.''

I guess in the spirit of compromise, we wanted to show we are willing to compromise. We are willing to try to meet the President halfway. We know the President's strong feelings against this; they are misguided, nonetheless. Plus, the fact that, although not yet before the Senate, we will have a veto override vote on a stem cell bill he vetoed earlier this year. I don't know if we will have the votes to override. We may. With that, we thought we will show our good faith in saying to the President: OK, we are willing to compromise. We will take that language out. That is what we have done with the amendment that is at the desk. We have taken that language out of the bill.

However, on another aspect in terms of the administration saying it is an irresponsible and excessive level of spending, I will say more about that in my opening statement, but the fact is, in the last 5 years, under the leadership of Senator SPECTER, when I was ranking member, this appropriations bill exceeded the President's budget request every single year. I thank Senator SPECTER for that. He provided great leadership. But the President never once threatened to veto one of those bills and never did, even though we exceeded his budget. This year, however, the President has said he is going to veto it because we exceeded his budget. What is the difference? Because the Congress changed hands? I don't think Senator SPECTER or I give a hoot about that. What we care about is investing in education and health, job training, biomedical research, all the other good things this bill does.

I respectfully disagree with the President that it is irresponsible. I believe it is responsible. We met our budget allocations. We are within our pay-go limitations. We do not exceed our budget allocation in this bill whatsoever.

I wished to make that clear for other Senators. We are on this bill. We have dropped the stem cell language. I did this in consultation with Senator SPECTER as a good faith reaching out to the White House to say: We are willing to compromise. So we will take it out, but we are going to stand firm on our funding levels because they are reasonable. They are within our budget allocation. They don't bust the budget.

I yield the floor to my partner in this for many years, Senator SPECTER, for his opening statement. I know he has to get back to the Judiciary Committee. I will return and make my opening statement at that time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the Chair and note for the record that the other Senator from Pennsylvania is presiding. I do not use the term ''junior Senator'' because Senator CASEY is so distinguished, I wouldn't want to have any suggestion of limited status.

We are taking up now the appropriations bill which has no rival for greater importance to America. Others may stand alongside it as equals, but when you deal with the Nation's health and education and labor, job safety, job training and medical research, the Centers for Disease Control, and Head Start, we deal with the fundamentals of governmental involvement for the general welfare as recited in the Constitution. Health is our No. 1 capital asset. Without going into any details

on that, I know that in depth from personal experience. Without your health, you can't do anything. But similarly, or about as important, is an education, to be able to do something productive and constructive.

We have submitted a bill which we believe fairly addresses the needs of the country and is not excessive in its expenditures. Last year's bill for this committee was $144.8 billion. The President has come in with a budget request of $141.3 billion. That is $3.5 billion less than last year. If one figures in inflation, we are looking at about a $7.2 billion cut. We simply can't accommodate that and do the Pell grants, the education funding, the title I funding, the President's program on Leave No Child Behind or the National Institutes of Health. We are out of fat. We are through tissue. We are to the bone and beyond.

The National Institutes of Health are the crown jewels of the Federal Government, maybe the only jewels of the Federal Government. Enormous strides have been made in combating the major ailments of our society—heart disease, cancer, Alzheimer's, and Parkinson's—but in FY06 there was a $50 million cut on the National Cancer Institute, which I won't call scandalous or outlandish, I will say it is inappropriate. This year we have added in this budget only $1 billion. When I say ''only,'' at $20 billion, raising it to $29.9, that doesn't keep up with the cost of inflation. There are many grants which are now being turned away by NIH.

We had a vote last night on a motion to recommit the bill on Commerce-Justice-Science. I voted against recommitment and made a brief floor statement that to send the bill back to committee to come back with the President's figure would constitute a surrender of the congressional responsibility to appropriate.

Article I gives us that responsibility and the authority. If we are going to accept the President's figure, then why don't we start there and leave us to fill in the blanks. But so that the record will contain a statement on legislative process, if anybody is watching on C–SPAN 2, coming to these bills, the one today on Labor, Health and Human Services, and Education and coming to the bill which we passed last night on Commerce-Justice-Science, it is an elaborate, painstaking process. There are hearings. There are deliberations. There are meetings. Then there is what is called a markup in the subcommittee. We go through the budget.

Meanwhile, staff has worked diligently on it. If it was generally known how hard the staff works, people would be amazed. They say if you asked: How many people in Washington in the Federal Government work? that most people would respond about half. The fact is, this is a very difficult job, especially for staff. Senators work too. So do House Members. Without going into that, though, we did not come up with these figures and pull them out of the air. They were worked through very carefully.

The bill which was passed yesterday had some increases which were very vital increases. They were increases on law enforcement which America needs. For example, the appropriation for the Federal Bureau of Investigation was increased by $383 million over the preceding year.

The Community Oriented Policing Services, the program known as COPS, to get additional law enforcement officers on the street, was increased by $1.639 million. That means that America is being better protected. It goes to the local governments. It is seed money. They hire additional police. The Federal allocation does not last long. Then it is our expectation they will keep the police.

State and local law enforcement assistance was increased by $163 million. I refer to that only briefly to give you some idea as to what we did yesterday and why it seemed to me to be inappropriate to refer it back to committee, which means we would take the President's figure, which was about $3.2 billion lower, in another subcommittee worked under the distinguished leadership of Senator MIKULSKI and Senator SHELBY. If we are to discharge our responsibilities under the Constitution, we have to stand by our guns as to what we want to do.

Now, I am not saying the figure on yesterday's bill is not to be modified. The President has set the tone on that when he vetoed the SCHIP bill. Congress came in at $35 billion over 5 years, and the President came in at $4.8 billion. Then he said he was willing to negotiate. There are some in the Congress who do not want to negotiate, who want to let the program lapse because it would be politically disadvantageous to the President if there is no continuation of the program for children's health.

Well, I do not think that will happen. I do not think that should happen. Because if some Members of Congress stand in the way of negotiations and a compromise, people will find out about it and it will be a political detriment to those who stand in the way of negotiations.

So as I said last night on the Senate floor, if you have the Senate bill on Commerce, Justice and Science higher than the President's figure by $3.2 billion, let's negotiate, just like the President said on SCHIP.

On this bill, we are prepared to negotiate. The first line of negotiation has already been announced by Senator HARKIN, and that was in response to a Statement of Administration Policy issued today from the Executive Office of the President:

> The Administration strongly opposes provisions in this bill that overturn the President's policy regarding human embryonic stem cell research.

Well, Senator HARKIN and I have considered this issue very carefully, and we have decided, much against our preference, to accede to what the President has strongly opposed. We do this in the context—not that we agree with the President, because we strongly disagree with him—but we would like to get this bill passed, and we are prepared to compromise.

This stem cell issue is one which is very near and dear to me. We found out about the potential for stem cells in November of 1998. Ten days, two weeks later—I chaired the subcommittee—we had hearings. We had 20 hearings on it. The research has shown me that these stem cells are a tremendous potential for curing the maladies of the world. We have 400,000 of them that are frozen that are going to be thrown away.

This is a long, involved subject, but in a nutshell, we are going to have Federal funding of stem cell research. It is a matter of when, not a matter of whether or if. It will happen. It will happen.

So in removing this provision from the bill, I do it with great reluctance and great regret. But I do it after consultation with the groups, the advocacy groups for stem cell research. They have been consulted. They are in the middle of all this, and they understand the reasons for it. They also understand if we pursue this, there will be a great many amendments which could pass and be harmful to the interests of the health of this country and to what the advocacy groups are seeking to accomplish.

So we come to a bill which I think America needs. It is worth pointing out that our bill is substantially under the bill passed by the House of Representatives. We have come in at $152.1 billion. The House of Representatives has come in at 154.2 billion. So they are $2.1 billion higher than we are. But this is our best judgment as to what ought to be done.

If anybody disagrees with it, Senators have the right to come to the floor and offer amendments, if they want to reduce the funding. We are prepared to listen. And we are prepared to negotiate with the President. But I am not prepared to take the figure the President has automatically. I am not prepared to do that. If we are going to do that, there is no reason to have the hearings and the meetings and the markup and the full committee and the laborious work we go through. If we are going to take the President's figure, it may as well come out of the White House as to what they are doing, if all we are left to do is fill in the blanks. I think it would be a dereliction of duty for us not to come forward with our conclusions on what appropriations are necessary for these three major Departments.

At the present time we are proceeding here, we have started the confirmation proceedings of Judge Michael Mukasey. I was there earlier this morning, and I have to return there. So I will be taking care of my duties here as best I can. Since I am not twins,

there will be someone else here to take over on the occasions when I cannot be here. But I did want these views to be expressed, and there is a long, erudite statement prepared by extraordinary staff, Bettilou Taylor—some call her the 101st Senator, but I think that diminishes her standing—and Sudip Parikh.

So, Mr. President, I ask unanimous consent that statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLOOR STATEMENT—SENATOR ARLEN SPECTER

FY 2008 LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION APPROPRIATIONS BILL

Mr. President, the Labor, Health and Human Services and Education bill before the Senate today totals $152.1 billion, an increase of $7.3 billion over the FY'07 level and $10.8 billion over the President's budget. The bill that passed the House of Representatives contains $154.2 billion, an increase of $2.1 billion over the Senate.

The funds contained in this bill address this nation's public health problems and continue to strengthen our biomedical research, assure a quality education for America's children, and offer opportunities for individuals seeking to improve job skills.

At this time, I want to take this opportunity to thank the distinguished Chairman of the Subcommittee, Senator Tom Harkin, for his hard work. This bill is not an easy one to maneuver through the subcommittee and full committee and it is a major accomplishment getting it to the floor for consideration.

Some of the key funding levels in the bill include:

$29.9 billion for the National Institutes of Health, $1 billion over FY'07

$4 million for Embryo Adoption

$2.170 billion for Ryan White AIDS programs

$75 million for mentoring programs

$300 million for Family Planning programs

$100 million for Mentoring Programs

$12 million for a Cord Blood Stem Cell Bank

$2 million for administering asbestos claims

$1.1 million for mesothelioma registry and tissue bank

$220 million to continue construction projects at the Centers for Disease Control

$2.161 billion for Low Income Home Energy Assistance

$200 million for Children's Hospital Graduate Medical Education

$2.3 billion for Community Health Centers

$102 million for Healthy Start

$7.1 billion for Head Start

$828.5 million for Worker Protection Programs

$5.25 billion for Job Training Programs

$13.9 billion for Title I Grants to Disadvantaged Students

$11.2 billion for Special Education State Grants

$14.5 billion for Pell Grants to support a maximum grant of $4,310

$313.4 million for Gear Up

$43.5 million for youth offender programs

$420 million for the Corporation for Public Broadcasting, in addition

Let me discuss in detail the major elements of this bill:

MEDICAL RESEARCH

The bill before the Senate contains $29.9 billion for the National Institutes of Health. The $1 billion increase over the FY'07 level will continue the important work of thousands of researchers across this nation. These additional funds are critical in catalyzing scientific discoveries that will lead to a better understanding in preventing and treating the disorders that afflict men, women, and children in our society.

Each year, the Labor-HHS Subcommittee holds numerous hearings on medical research issues. Testimony is heard from the NIH Institute Directors, medical experts, patients, family members, and advocates asking for increased biomedical research funding to find the causes and cures for autism, Alzheimer's and Parkinson's disease, spinal cord injury, muscular dystrophy, ALS, AIDS, diabetes, heart disease, and the many cancers affecting millions of Americans. But the diseases I just mentioned are the ones that everyone knows. However, there are a number of orphan diseases, those affecting 200,000 people or less, that are just as important but not often talked about. Research also needs to be specifically focused on orphan diseases such as spinal muscular atrophy, Ataxia's, Batten disease, fibromyalgia, Fragile X and spina bifida.

CENTERS FOR DISEASE CONTROL AND PREVENTION

The Centers for Disease Control and Prevention is the lead Federal agency for protecting the health and safety of Americans at home and abroad. To address these needs the bill includes $6.4 billion for programs at the CDC. The CDC's ability to respond quickly to address this nation's health concerns has been proven over the last several years. Within minutes of the September 11 attack, CDC set up an emergency operations center and began to deploy supplies and staff, issuing health alerts and responding to State needs. CDC redirected more than 2,000 staff to focus their resources on the anthrax crisis to identifying the disease and ensuring that health professionals were properly trained in recognizing the signs of anthrax. During the gulf coast hurricanes, the CDC staff was on the ground to assess and mitigate the infectious disease risk to residents of flooded areas. Last June, CDC also quickly identified a patient with a drug resistant strain of TB and took steps to isolate the patient and protect the American public. The Committee has included $1.7 billion to improve this nation's research capacities and to detect and control emerging infectious disease threats in the U.S. and around the world. The Committee has included $220 million to continue the renovation of the CDC facilities in Atlanta. With the funds provided in FY'08, we will only need one more year of funding to complete the modernization of the CDC campus.

PANDEMIC INFLUENZA PREPAREDNESS

Although press attention regarding pandemic influenza has waned, the threat of a pandemic influenza resulting in millions of deaths worldwide remains high. The Committee has included $888 million for pandemic influenza preparedness activities. These dollars are to purchase pre-pandemic vaccine stockpiles, spur vaccine development, purchase antivirals, and for the development of diagnostic tests. The remaining dollars are for on-going pandemic preparedness activities within the Department of Health & Human Services and the Centers for Disease Control & Prevention.

MENTORING

In this nation it is estimated that more than 772,500 juveniles are members of gangs, dropout rates in some school districts exceed 60% and the direct and indirect cost of youth violence exceeds $158 billion a year.

Mentoring programs have proven to steer children away from gangs, violence and crime. Studies show that mentored children are less likely to start using drugs and alcohol or commit violent acts. They are also more likely to graduate from high school and go on to a higher education. Unfortunately, the demand for mentors far exceeds the supply.

To address these concerns the bill includes $75 million, including $50 million to support mentoring programs for children who are at risk of failing academically, dropping out of school, or involved in criminal or delinquent activities. These funds will be awarded to local education agencies and non-profit community-based organizations to support mentoring programs. Also included is $25 million targeted to areas with the highest dropout rates and schools designated as persistently dangerous. Funds will be used to increase the number of mentors, identify children at an early age and link them with mentors to provide support before children get involved in criminal behavior.

MINE SAFETY AND HEALTH ADMINISTRATION

This Subcommittee has always been concerned about mine safety, but the many accidents in recent years have sharpened the Subcommittee's focus.

The regulations governing mine safety have evolved slowly from primitive beginnings in 1891. In the 1930's, well over 2300 people were dying annually in mining accidents. In 1941, Congress established the forerunner of the Mine Safety and Health Administration. The passage of the Mine Act in 1977 established MSHA, placed it in the Department of Labor, and established the current regulatory framework. The Congress amended the Mine Act in 2006 to strengthen its safety provisions in response to the recent incidents. Within the total provided, the bill includes $330.1 million for the Mine Safety and Health Administration, including $2 million for mine rescue and recovery activities. This is an increase of $16.5 million over the FY'07 level. The increase will be used to accelerate the implementation of the MINER act to improve health and safety conditions for miners.

GEAR UP

The bill provides $313.4 million for Gaining Early Awareness and Readiness for Undergraduate Programs. These funds will be used to assist high schools to help low-income students prepare for and pursue postsecondary education.

CHILDREN'S HOSPITAL GRADUATE MEDICAL EDUCATION

To support health professions training in children's teaching hospitals, the bill provides $200 million. The amount provided is a $97 million cut below the FY'07 level. However, the bill that passed the House contains $307 million and I will support the House figure during conference negotiations.

COMMUNITY HEALTH CENTERS

To help provide primary health care services to the medically indigent and underserved populations in rural and urban areas, the bill contains $2.2 billion for community health centers. This amount represents an increase of $250 million over the FY 2007 level.

SUBSTANCE ABUSE

For prevention and treatment of substance abuse, the bill includes $3.4 billion, including $2.1 billion for treatment programs, $197.1 million for prevention and $923.1 million for mental health programs. The latest estimates indicate that millions of Americans with serious substance abuse problems go untreated each year. The amounts provided will help address the treatment gap.

LIHEAP

The bill provides $2.161 billion for the Low Income Home Energy Assistance Program

(LIHEAP) the key heating and cooling program for low income families in Pennsylvania and states throughout the nation. Funding supports grants to states to deliver critical assistance to low income households to help meet higher energy costs.

AGING PROGRAMS

For programs serving the elderly, the bill before the Senate recommends $3.3 billion. Including $483.6 million for the community service employment program to provide part-time employment opportunities for low-income elderly; $350.6 million for supportive services and senior centers; $217.6 million for the national senior volunteer corps.; $773.6 million for senior nutrition programs; $1.1 billion for research conducted at the National Institute on Aging; $162.6 million for family and native American caregiver support programs; and $35 million for the Medicare insurance counseling program.

AIDS

The bill includes $6.5 billion for AIDS research, prevention and services. Included in this amount is $2.1 billion for Ryan White programs; $930.4 million for AIDS prevention at the Centers for Disease Control; $2.9 billion for AIDS research at the National Institutes of Health; and $300 million for the Global Fund for HIV/AIDS.

HEAD START

To enable all children to develop and function at their highest potential, the bill includes $7.1 billion for the Head Start program, an increase of $200 million over last year's appropriation.

EDUCATION

To enhance this Nation's investment in education, the bill before the Senate contains $58.1 billion for discretionary education programs, an increase of $532 million over last year's funding level and $1.5 billion more than the President's budget request.

EDUCATION FOR DISADVANTAGED CHILDREN

The bill includes $13.9 billion, an increase of $1.1 billion for Title I grants to school districts. These funds will provide services to approximately 15 million school children in nearly all school districts across the United states.

IMPACT AID

For Impact Aid programs, the bill includes $1.24 billion. Included in the recommendation is: $49.5 million for payments for children with disabilities; $1.1 billion for basic support payments; and $65.7 million for payments for Federal property. In addition, $17.8 million is available for construction activities at certain Impact Aid-eligible schools.

SPECIAL EDUCATION

For special education state grants, the bill includes $12.3 billion, an increase of $527.5 million more than provided in FY'07. These funds will help local educational agencies meet the requirement that all children—ages 3 through 21—with disabilities have access to a free, appropriate public education, and all infants and toddlers with disabilities have access to early intervention services.

READING PROGRAMS

The bill includes $800 million for Reading First State Grants to implement comprehensive reading instruction to ensure that every child can read by the end of the third grade. Also included is $117.7 million for Early Reading First designed for preschools to enhance the verbal skills, phonological awareness, letter knowledge and early language development of children ages 3 through 5. To help struggling middle and high school students improve their reading skills, the bill includes $36 million.

21ST CENTURY COMMUNITY LEARNING CENTERS

For community learning centers activities, such as before- and after-school, recreational, drug, violence prevention and family literacy programs, the bill includes $1 billion.

TRIO

To improve post-secondary education opportunities for low-income first-generation college students, the Committee recommendation includes $858.2 million for the TRIO program, to assist in more intensive outreach and support services for low income youth.

CHARTER SCHOOLS AND VOLUNTARY PUBLIC SCHOOL CHOICE

The bill includes $214.8 million for charter school grants which help in the planning, development and implementation of charter schools. Also included is $26.2 million for voluntary public school choice to expand programs, especially for parents whose children attend low-performing public schools.

STUDENT AID AND HIGHER EDUCATION

For student aid and higher education programs, the bill provides $18.4 billion. Pell grants, the cornerstone of student financial aid is funded at $14.5 billion which will provide a maximum grant award of $4,310. The bill also includes $770.9 million for the supplemental educational opportunity grants, and $980.5 million for the Federal work study program. Also included are $858.2 million for TRIO programs and $507.2 million for aid to institutional development.

JOB TRAINING

In this nation, we know all too well that unemployment wastes valuable talent and potential, and ultimately weakens our economy. The bill before us today provides $5.59 billion for job training programs. This includes $1.65 billion for the Job Corps; $864.2 million for Adult training; and $1.19 billion for retraining dislocated workers.

CLOSING

There are many other notable accomplishments in this bill, but for the sake of time, I mentioned just several of the key highlights, so that the nation may grasp the scope and importance of this bill.

In closing, Mr. President, I again want to thank Senator HARKIN and his staff and the other Senators on the Subcommittee for their cooperation.

Mr. SPECTER. Before I yield the floor, I wish to compliment my distinguished colleague, Senator TOM HARKIN. Senator HARKIN and I have worked side by side. Sometimes I have been chairman; sometimes he has been chairman. I like it better when I am chairman. But I also like it when he is chairman. We have what we call a seamless transfer of the gavel.

People complain there is a lot of bickering in Washington, DC, and there is too much infighting. Well, TOM HARKIN and ARLEN SPECTER do not do that. We try to set an example of working together in the public interest.

May I also add, I do the same thing with Senator ROBERT P. CASEY, Jr., my colleague from Pennsylvania. We meet frequently and go over the key issues. When there are major events—we had a big hearing in Philadelphia on juvenile gang violence. I invited Senator CASEY to come along. He has had some ideas and some programs he has advocated, and he has invited me.

We went to Pittsburgh to swear in some judges. I made sure it suited Senator CASEY's schedule. People like to see Democrats and Republicans working together. Senator CASEY and I do, and, I say to the Senator from Iowa, certainly you and I do, Mr. Chairman. So I thank you. I thank Ellen Murray and Sudip for their extraordinary work.

Mr. HARKIN. I appreciate that.

Mr. SPECTER. There is a story that behind every successful man there is a surprised mother-in-law. But in the case of TOM HARKIN and ARLEN SPECTER, it is Ellen and Bettilou.

Mr. HARKIN. That is right.

Mr. SPECTER. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my good friend, Senator SPECTER, for his very kind words, his generosity of spirit, and respond in kind that I have said many times to people that during the interregnum when the Republicans controlled the Senate—I say that jocularly—I was very fortunate and blessed to have Senator SPECTER as the chairman of this committee. He is right, we have worked together very closely over the years, and I thank him for that very close partnership and working relationship. He is a great leader in areas of health and education and medical research and so many other items. So I thank Senator SPECTER for that very close working relationship.

I am pleased to bring to the floor the fiscal year 2008 appropriations bill for Labor, Health and Human Services, Education, and related agencies.

It has been said many times that the Defense appropriations bill is the bill that defends America. But this appropriations bill, the bill we have before us—the bill that funds Education and Health and Human Services and biomedical research and the Centers for Disease Control and Prevention—is the bill that defines America.

This bill funds the most basic, essential, life-sustaining, and lifesaving services for millions of people in this country, including the most needy among us. It provides for the education of our children. It provides health care for many of our poorest citizens. It helps students from low- and middle-income families afford college. It funds medical research to help ease human suffering. It gives displaced workers a chance to get back on their feet.

This bill does define us and says who we are as Americans. Despite extreme budget constraints, I believe we have produced a good bill. I wish we could have done more for these programs because we have some catching up to do. But we also have to be fiscally responsible. This bill fits within the budget resolution. It conforms to pay-go. It reflects the priorities of Senators on both sides of the aisle, and it reflects the values, ideals, and priorities of the American people.

Again, I commend our ranking member, Senator SPECTER, for his leadership in helping to craft this bill. As Senator SPECTER said, we have had an amazingly productive partnership for

the last, as I count it, about 17, almost 18 years. As control of the Senate has switched between the two parties, we have passed the gavel back and forth, but there has been one constant and that is our shared commitment to investing in job training, in essential human services, in education, and cutting-edge biomedical research.

One notable accomplishment of our bipartisan partnership was the doubling of funding at the National Institutes of Health over a 5-year period between 1998 and 2003. It started under a Democratic President, finished under a Republican President. But today, sadly, that achievement seems like ancient history. Today, it is an achievement in this bill simply to prevent a cut at the National Institutes of Health because that is what the President proposed in his budget. The President proposed a $279 million cut in funding for NIH, in things such as cancer research, Alzheimer's research, ALS research, and other lifesaving research being done through NIH.

The National Institutes of Health is just one of the critical programs in this bill that the President's budget underfunds. Head Start, special education, job training all would face cuts if the President had his way.

Overall, for all the programs in this appropriations bill, his budget request was $3.5 billion below last year's level. Let me repeat that. The President's budget was $3.5 billion below last year's level—not below an inflationary increase, below last year's level. So not only did his budget fail to keep up with inflation, it would take us back. That is unacceptable.

President John Kennedy once said that ''to govern is to choose''—a famous line. Well, I tend to agree. Governing is also about setting priorities. The President has set his priorities. He is just days away from sending up a supplemental budget request for the war in Iraq. We hear it to be as much as $190 billion, and he will insist that we appropriate every single penny. Meanwhile, 2 weeks ago, rejecting pleas from many members of his own party, he vetoed the SCHIP bill, which would preserve health coverage for 6 million children nationwide and cover millions more who are currently uninsured. Now, the President, with his statement of policy that he sent up yesterday, is threatening to veto this bill.

So think about it. The President is demanding that we continue to spend more than $12 billion a month in Iraq on the war, yet he is threatening to veto this appropriations bill because it spends $11 billion a year more than what he wanted, for 1 year. The President says he wants $12 billion a month for the war in Iraq, but we shouldn't spend $11 billion over his budget for 1 full year for all of the other things we do in education and in health care and in human services.

Under the Constitution, we know that the President proposes, the Congress disposes. So we in Congress get to set our priorities too. We also get to choose about governing. Rather than cut the essential programs and services in this bill, we have chosen in a bipartisan fashion to provide a very modest increase. So we respectfully disagree with the President. We believe it is time to make investments in this country. It is time for the President to put our own needs here at home first. For 5 years we have poured untold billions of U.S. taxpayers' dollars into schools, job programs, hospitals, and human services in Iraq. It is time we looked after those same needs here in America. That is exactly what we propose to do in this bill.

This bill provides a modest increase of $1 billion for the National Institutes of Health. That is 3.5 percent. That is less than biomedical inflation. But the President's budget would slash investments in NIH, cutting 800 research grants that could lead to cures or treatments for heart disease, cancer, diabetes, or other diseases ravaging our people. This is a very exciting time in biomedical research. We are reaping the benefits of the Human Genome Project. It would be unconscionable and I think totally irresponsible to short-circuit this progress by cutting the funding for NIH. So we have, as I said, provided a modest increase of $1 billion for NIH in this bill.

In this bill, we increase funding for Head Start by $200 million. I wish it were more. It should be more. We are just beginning to make up for the tens of thousands of children who have been lost to the program because of stagnant funding over the last several years. The President's budget would cut Head Start funding by $100 million. So the President's budget cuts it by $100 million; we increase it by $200 million. The President's budget would cut thousands more children from the rolls of Head Start; ours would add to it. That is the difference. We believe the President's approach is unacceptable.

In this bill, we provide an additional $457 million for special education. Again, it really ought to be more, and I will explain what I mean by that. If we accepted the President's budget, it would cut special education by $291 million.

When IDEA passed—the Individuals with Disabilities Education Act—when it passed the Congress—I guess it was about 30 years ago; yes, it has been about 30 years—when we passed the Individuals with Disabilities Education Act, we committed ourselves, we committed the Federal Government to paying up to 40 percent of the additional cost of educating kids with disabilities in our schools. Now, consider this: Prior to that time, most kids with disabilities were shunned aside. They were sent to State institutions, warehoused, and many of them never even went to school. But because of a decision—and I say to the Senator sitting in the chair, it was a Pennsylvania case, PARC, Pennsylvania Association of Retarded Citizens v. Pennsylvania, a landmark case.

From that case, it was decided that if a State decided to provide a free public education for all its children, if it decided to do that, it could not then discriminate against kids with disabilities in providing that free, appropriate public education. Well, that then led, of course, to the Individuals with Disabilities Education Act that passed the Congress. In that, we said: We are going to help. We think States should do this. States are mandated to do this under the Constitution, but we are going to help. So we are going to try over the years to build this up to where we provide at least 40 percent of the additional funding to mainstream kids with disabilities in our public schools.

Where are we? Under President Bush, we are going backward. Two years ago, the Federal Government got up to 18 percent of this additional funding for kids with disabilities. We got up to 18 percent 2 years ago. In the last fiscal year, the Federal share dropped to 17 percent. If the President gets his way with his budget in 2008, we will be down to 16 percent. We have had a number of amendments on this floor, sense-of-the-Senate resolutions, to get this up to 40 percent. Republicans and Democrats have voted for this. Yet the President's budget is taking us in the opposite direction, and that, of course, again is unacceptable. When we don't pick up the tab, when we don't do our share and our part in providing for special education, who gets stuck with the bill? Local property taxpayers. The States have to increase and keep increasing the share of local property taxes to pay for this. Again, that is unacceptable.

Turning now to college education, we all know the cost of a college education is rising. It hits all of us pretty hard. It hits all middle-class families and anyone who wants to get a college education. Obviously, it hits the poorest families the hardest. This bill provides an increase of more than $800 million for Pell grants over last year—Pell grants, so that our poorest students have a chance to get a higher education. Building on that increase we put in the bill earlier, Senator KENNEDY and Senator ENZI, the chair and ranking member of the authorizing committee on education, wrote a budget reconciliation bill that raises the maximum Pell grant award from $4,310 to $4,800. That is a boost of almost $500 a year for the neediest students—the largest increase in more than 30 years. But under the President's budget, the increase would be less than half that—about $230 a year. So again, our bill would increase that and provide for $800 million more for Pell grants over last year.

One other item which is something of importance to every Senator is this bill increases funding for administering Social Security by $125 million above the President's request. Now, why is that important? I will bet my colleagues

every Senator here and their State offices have been getting all kinds of cases coming in from people who have disability claims, but they are backlogged, backlogged, backlogged. They wait months and months, sometimes years, to get their disability claims administered. Well, this increase would allow us to make a dent in that backlog of disability claims. Again, we ought to be even more aggressive in reducing the backlog. But make no mistake, if we accept the President's budget, the Social Security Administration would have to institute a hiring freeze and the backlog of claims would skyrocket. It is bad enough the way it is right now, but under the President's budget, it would be unacceptable. So our bill would provide $125 million more for Social Security to begin to reduce the disability claims backlog.

I think one of the most disturbing problems with the President's budget is it is kind of a total disregard, I would say, for the needs of our poorest people, the poorest citizens of our country. Just consider three programs that serve low-income children and families in this country. The three programs are the LIHEAP program, which is the Low Income Home Energy Assistance Program, the Community Services Block Grant Program, and the Social Services Block Grant Program. Let's look at those three. These all serve the lowest income people in our country.

The President's budget would cut LIHEAP by $379 million despite predictions of record energy prices this winter. This cut would force States to lower their benefits or serve fewer low-income individuals, many of whom are elderly and poor, many who are going without medical care, some cutting down on their food and other necessities in order to pay their heating bills.

Then, the two block grants I mentioned, the community services block grant and the social services block grant, many of the States tie these together to provide essential services for our most disadvantaged people in this country.

The community services block grant is a key safety net, providing assistance in areas such as job training, housing, and emergency food aid. This bill increases funding for the community services block grant by just a modest $40 million. The President's budget eliminated—the President's budget didn't just cut community services block grants, they zeroed it out—all $630 million zeroed out.

The other block grant, the social services block grant, addresses some of our country's most vital human services needs, such as protecting children from abuse and neglect, caring for homeless seniors, providing services to children and families with severe disabilities, to mention just a few. The President's budget slashed the social services block grant by 30 percent. Our bill says no.

The President has already cut taxes for the wealthiest Americans. We are not going to decimate programs for the poor at the same time. Enough is enough.

So the bill we have before us invests in job training and employment services programs to help Americans develop the skills they need to find work. The President's budget cut job-training programs by $1 billion; that is, from $3.6 billion last year, he would cut it to $2.6 billion. This bill rejects that. This bill also provides $483 million for community services jobs for older Americans. The President's request was $350 million, which would have actually cut a lot of seniors from the program, seniors who are already working in that program.

America's working families also count on the Labor Department to ensure that their workplaces are safe and that employers comply with labor laws. Unfortunately, the President has consistently underfunded the agencies that enforce these laws. Since 2001, OSHA—that is the Occupational Safety and Health Administration—has lost almost 10 percent of its enforcement staff because of the President's budgets. This bill charts a new course. We invest $12 million over last year to rebuild OSHA staffing.

When I describe the funding choices in this bill as ''investments,'' I choose my word carefully. It is a simple fact that when we invest in these programs, we save money in the long run and our country saves money in the long run. When the Minneapolis bridge collapsed this summer, we all talked about the large costs of failing to invest in our infrastructure, our physical infrastructure, our roads, our bridges, our highways, our rails.

Well, what about failing to invest in our human infrastructure, our people? What can be more important than that investment? We know some things. We know that early childhood education pays many dividends later on in life and saves us money. We know that quality K–12 education pays big dividends. We know that enabling kids to go to college and not be burdened with a lot of debt pays off with big dividends. We know that adding community health centers pays off, pays dividends by preventing emergency care and disability down the road. We know that job training pays big dividends by getting workers who are laid off of jobs—maybe they have gone overseas—retrained and equipped for new kinds of jobs so they can be productive, taxpaying citizens. All of what I mention pays huge future dividends.

I said earlier that this bill defines America. It is important that this bill defines America as a compassionate nation, a nation that invests in its future, a nation, as the late Senator Hubert Humphrey used to say, that meets the needs of those at the beginning of life, those in the twilight of life, and those in the shadows of life.

Again, I ask, how can we continue to pour endless billions of dollars into Iraq—more than $12 billion a month now, and counting—and yet we cut funding for the basic essential services here at home for our most needy citizens? This is a case of seriously misplaced priorities. We are doing our best to correct it in the bill before us today. Obviously, we have not been able to do everything we want or need to do, but this bill reflects the priorities of Senators on both sides of the aisle, and, as I said, we stayed within our budget allocation.

Again, given all of this, I am genuinely saddened that the President has already pledged to veto the bill. I really cannot believe the President wants us to cut funding for cancer research and other lifesaving research through the NIH. I cannot believe the President wants to cut children from the rolls of Head Start. I cannot believe the President wants to eliminate the community services block grant, which is a basic life support for many of our neediest citizens. I cannot believe the President wants to cut funding for home heating assistance for poor elderly. Yet the President's budget would require all of these cuts to essential programs and services. It would be unconscionable.

So all I can assume is that the President is getting very bad advice. Perhaps his advisers have told him to veto this bill to score some political points—whatever that might be. If so, it is bad advice because there is not an ounce of extravagance in the bill. It meets the essential needs of the American people in terms of education, health and human services, and job training. It passed out of committee 26 to 3. You cannot get much more bipartisan than that.

I might again point out, as I did earlier, that over the last 5 years, this appropriations bill—again, it was under the leadership of Senator SPECTER, and I was ranking member—every year was above the President's request. Not once did the President threaten to veto it. Well, this year, some games are being played. The President's budget slashes all these programs. We come in to replenish the money and put it in and to give modest increases, all within our budget allocation, but for the first time in 6 years the President says he is going to veto it. What is the difference? Is the only difference now that the Democrats are now in charge? Because, as I said, every year, Senator SPECTER's bill was higher than the President's request, but he never threatened to veto one of those bills and he never did. This year, he says he will. It sounds to me like the last Karl Rove tactic before he left town. This sounds like a Rove tactic.

I say to the President that he is gone, he is history—bad history, but he is history. Now, Mr. President, do the right thing. Do what we have for the last 5 years and work with Congress. We are willing to meet you halfway, as I said earlier.

One of the objections in the President's veto threat, which he sent down

here yesterday and I have here, was that he opposes overturning the President's policy regarding human embryonic stem cell research. All right. We took it out, even though Senator SPECTER and I and our committee feel very strongly about this. We have had hearings and hearings on this since 1998. Under Senator SPECTER's leadership, we have passed legislation to overturn the President's policy. I think we got, if I am not mistaken, about 66 votes in the Senate to do that. I think I am right on that. So, again, we feel strongly about that, as strongly as the President may feel about it, but in the spirit of compromise and getting our bill done and moving it ahead, we decided to take it out, and we did.

So I hope that in the next 24 hours the White House will listen to the debate and they know what is going on and they have their people up here; this is no secret—I hope the President will revisit this, and I would like to see a new Statement of Administration Policy coming down saying: You did, in good will, take out the stem cell thing, and that was half of our objection. We will meet you halfway and accept the bill as you have it.

Mr. President, that would be the good thing to do. I still am hopeful that the President will do that. There is really no justification now for vetoing this bill. If we are over what he wanted, we have been over what he wanted for the last 5 years and he never vetoed the bill. So I hope the President will send down a new statement of policy and that they will support this bill because I think the bill is going to have big support here. It passed committee 26 to 3. If I am not mistaken, those three votes were opposed to the stem cell provisions we had in the bill. Had they not been there, we would have had a unanimous vote in committee.

I think this bill will get a big vote here on the Senate floor. It would be helpful and would ease things and would, I believe, lift a lot of the contentiousness that goes on around town here if the President would come out and say: OK, we will meet you halfway; you took that out, so we will take the bill as it is. That would make things go very smoothly.

Again, we look forward to the consideration of the bill on the floor this week. We want to use our time productively. I encourage Senators, if they have amendments, to bring them to the floor in a timely fashion today so we can complete our work and get the bill to conference as soon as possible.

Senator REID said on Monday that we would stay in this week—and Saturday, if necessary—to finish this important bill. Well, I have placed all my plans on hold. I intend to be here, if necessary, Friday and Saturday—or Sunday, if necessary—to finish this vitally important bill. I take the leader at his word that we will be here Friday and Saturday if we need to be. However, if Senators come over today and offer amendments today and tomorrow, hopefully, we can finish this bill in a timely manner. Again, Mr. President, we are on the bill, and I hope Senators will come over and offer their amendments.

Mr. President, on August 2, 2007, by a vote of 83 to 14 this Senate approved S. 1, the Honest Leadership and Open Government Act of 2007. The President signed the legislation on September 14, 2007. This ethics reform legislation will significantly improve the transparency and accountability of the legislative process.

Pursuant to the new rule XLIV, it is required that the chairman of the committee of jurisdiction certify that certain information related to congressionally directed spending be identified and that the required information be available on a publicly accessible congressional Web site in a searchable format at least 48 hours before a vote on the pending bill. In addition, Members who request such items are required to certify in writing that neither they nor their immediate family have a pecuniary interest in the items they requested, and the committee is required to make those certification letters available on the Internet. The information provided includes identification of the congressionally directed spending and the name of the Senator who requested such spending. This information is contained in the committee report numbered 110–107, dated June 29, 2007, and has been available on the Internet for 8 weeks. The Member letters concerning pecuniary interests are also available on the Internet.

I am submitting for the RECORD the certification by the chairman of the Committee on Appropriations, Senator BYRD. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator BYRD. I certify that the information required by Senate Rule XLIV, related to congressionally directed spending, has been identified in the Committee report numbered 110–107, filed on June 27, 2007, and that the required information has been available on a publicly accessible congressional website in a searchable format at least 48 hours before a vote on the pending bill.

Mr. HARKIN. 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. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

CIA INSPECTOR GENERAL

Mr. WYDEN. Mr. President, there was discussion on the floor this morning about intelligence matters. I wanted to spend a few minutes to discuss a matter of bipartisan concern in the Senate. What I am talking about is the very troubling development that came to light last week indicating that the head of the CIA, General Hayden, has decided to launch an investigation into the Agency's inspector general.

I and others—and I particularly commend Senator BOND, our vice chairman of the committee, for his excellent statement on this matter—are very concerned about this new development. It is particularly important that the inspector general of the Central Intelligence Agency function with independence. Because our work by its very nature—entrusted with those secrets essential to protect our country's security—has to be done in private and is classified, we need an independent inspector general to ensure accountability.

Because of a development such as this, I think this can have a chilling effect on the independence of the inspector general at the Central Intelligence Agency.

The Congress created these inspector general positions for a reason, and that is to ensure accountability, to ensure Government efficiency. Virtually all of the agencies have these key positions and, of course, it is their job to report findings to the Congress.

Perhaps General Hayden is concerned about the work of Mr. Helgerson, the inspector general for the Agency. There is an appropriate process for bringing up those concerns. If the head of the Central Intelligence Agency is concerned about how the CIA inspector general is doing his job, he ought to bring them to the President's Council on Integrity and Effectiveness.

It is my view that particular body has been handling complaints against inspectors general, and it is my view they are doing their job well and appropriately. But to have an investigation such as this, in my view, is going to interfere with the inspectors general independence. If the Director of the CIA is ordering investigations into the inspector general's activities and plans to ''suggest improvements'' for the inspector general to consider, my view is that can undermine the inspector general's independence.

I do not want to see inspectors general intimidated. That is the bottom line here, and I do not want the Director of the CIA interfering with the extraordinarily important activities of the inspector general at the Agency.

Let me also state that my concern is part of a view that there has been a pattern at the Agency of being less than transparent. I and, again, senior Members of this body, particularly Senator BOND and Senator ROBERTS, have worked very closely and in a bipartisan way to ensure that the inspector general's report on the role of the Agency in the runup to 9/11 was going to be made public. I can tell you that, unfortunately, General Hayden fought that bipartisan effort every step of the way.

The fact is, it was a balanced effort. The particular recommendations of the

inspector general were modest in nature. They did not require that anybody be fired or cavalierly dismissed. It called for what is known as an accountability board, something, again, to ensure that the watchdogs are in place to protect this country's security and do it in a fashion that is committed to the American principles of transparency and openness.

I have written Admiral McConnell who, of course, is the head of the national intelligence community, and asked him to direct General Hayden to cease and cease immediately the investigation that is now going on into the work of the inspector general at the Central Intelligence Agency.

It is my view that people who know they are doing the right thing are not afraid of oversight. It is time for the head of the intelligence community, Admiral McConnell, to put an end, and an immediate end, to General Hayden's attempt to muzzle the CIA's inspector general.

I wrap up by saying, again, we are not talking about a matter that is partisan. Senator BOND, who has been so cooperative on these matters relating to accountability and transparency, said it very well. Senator BOND said the inspector general had done great work. In his statement on this matter, Senator BOND noted that the Agency regrettably has a track record of resisting accountability.

So that is what this is all about. The ball is now in Admiral McConnell's court. It is my hope that in the next few days, Admiral McConnell will direct General Hayden to cease this investigation into the work of the CIA's inspector general.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2 p.m.

Thereupon, at 1 p.m., the Senate recessed until 2 p.m., and reassembled when called to order by the Acting President pro tempore.

Mr. CARPER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008, Continued

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

AMENDMENT NO. 3328 TO AMENDMENT NO. 3325

Mr. VITTER. Mr. President, I will call up amendment No. 3328 which is at the desk, but in the interim, before I actually call it up and make it pending, I wish to discuss the Vitter amendment No. 3328. Hopefully, in a relatively short period of time, we can actually call it up and make it pending.

This amendment is very simple and very straightforward. In fact, it is something this body has seen before on other bills and has strongly voted for before. It simply prohibits any funds in this appropriations bill from being used to block the reimportation of safe prescription drugs from Canada.

All of us know that sky-high prescription drug prices are a very troubling burden every American family faces. Certainly literally every family I deal with in Louisiana deals with this issue in some form or fashion, often in the context of trying to help elderly parents or grandparents or others with very significant prescription drug costs.

One partial solution to that huge challenge is to allow American consumers to buy prescription drugs in person or through mail order or the Internet from Canada, because precisely the same prescription drugs are available in Canada—in all cases at a dramatically lower cost.

Unfortunately, in this country we have had Federal law that prevents American consumers from doing that in most cases. This amendment and other full-blown bills, some introduced by myself, others introduced by other leaders on the issue, such as Senators DORGAN and SNOWE, would lift those prohibitions and allow American consumers their rightful access to safe, cheaper prescription drugs from Canada.

This amendment is being brought on this appropriations bill for a very simple and legitimate reason. Under the current administration there has been a task force established under the Department of Health and Human Services. That task force was specifically established to coordinate all Federal Government activity by the administration to block reimportation of drugs from Canada and elsewhere. That is governed under the Department of Health and Human Services. That is organized under that Department which is governed by this bill, so this amendment will simply say: No funds in this bill going to the Department can be used for that purpose. That task force has to quit its operation. None of that money can go to support the activity of that task force, which is specifically designed to block American consumers from getting safe, cheaper prescription drugs from Canada and elsewhere.

At this point I believe it has been cleared so I wish to formally call up amendment No. 3328 and make it pending.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 3328 to amendment No. 3325.

The amendment is as follows:

(Purpose: To provide a limitation on funds with respect to preventing the importation by individuals of prescription drugs from Canada)

On page 79, between lines 4 and 5, insert the following:

SEC. ____. None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355).

Mr. VITTER. Mr. President, this is virtually exactly the same amendment I proposed with Senator NELSON to the Homeland Security Appropriations bill. That amendment was agreed to in the Senate 68 to 32 on July 11, 2006, and was subsequently signed into law. More recently, this year we came back to the Senate floor with the same amendment on this year's Homeland Security Appropriations bill and that was agreed to by unanimous consent. So the Senate has spoken. The Senate has spoken strongly, by a vote of 68 votes or more, in support of what an even larger percentage of the American people want, and that is free, unfettered access to safe, cheaper drugs from Canada and elsewhere.

This amendment is very simple. It says none of the funds in this act, in this bill before us, can be used to stop Americans from getting the safe, cheaper prescription drugs from Canada. The amendment is very specific to Canada only.

This amendment will take us along the path toward full-blown drug reimportation. Last year we had success in allowing Americans to carry on their person these prescriptions drugs from Canada. This amendment would go further and allow that, not only on an individual American citizen's person, but also by mail order or the Internet, as long as that American citizen is not in the business of wholesaling and selling prescription drugs, as long as it is for his or her personal use.

I hope the Senate, both sides of the aisle come together as we have in the past with a strong, overwhelming majority—in the past it has been 68 votes or more—and pass this amendment and say enough is enough. Let's establish this regime of safe reimportation from Canada and elsewhere. Let's push the administration to put forward the safety mechanisms that they absolutely have the authority and ability to help lower the cost of prescription drugs for all American citizens, particularly our seniors.

I urge my colleagues to join me in this amendment.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. 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.

ETHIOPIA

Mr. INHOFE. Mr. President, the House of Representatives has recently passed the Ethiopian Democracy and Accountability Act of 2007, H.R. 2003.

Although this legislation states that its purpose is to encourage and facilitate the consolidation of democracy and security in Ethiopia—words right out of the resolution—in reality it focuses on the shortcomings, on the problems that they face, and not on the successes the country has made.

Ethiopia takes great pride in being the oldest independent country in Africa. It continues to be a close friend of the United States, a strong ally in the war on terrorism in the Horn of Africa. I have to say that this is significant because if you kind of use your mental map of northeastern Africa and you think about the terrorist activity that has taken place in the Middle East and how it is now coming down through the Horn of Africa, through Djibouti and that area into the Uganda-Ethiopia area, it is a very significant area right now.

Now, as many of you know, I have had quite an extensive background in Africa. I think I am safe to say that I have been to Africa more than any Senator in the history of America. I have been really tied to that continent and recognize the significance in the future of our country as well as their country. It is an area of strategic importance globally to this Nation.

I have traveled to the country on several occasions, both on my own and as a Member of the Senate and the House. A short while ago, I was there with Congressman BOOZMAN from Arkansas. Throughout my travels in the region, I have met and developed friendships with many political and religious leaders.

In Addis 6 years ago, we found a little baby. The little baby was 3 days old. The baby was almost dead. It was not unusual. In some countries in Africa, they throw away mostly young baby girls. Then after about 3 days, when they die, the dogs get them. We were there before the dogs got there. I have 20 kids and grandkids of whom I am very proud. My daughter Molly had nothing but boys. She always wanted a girl. So we were able to take this little girl from Ethiopia and nurse her back to health. She had several very close calls. She is healthy and has now been here in the United States and is my adopted granddaughter. Her name is Zegita Marie, which is a very common name in Ethiopia. I say that because I do want to impress upon this group that I know something about Ethiopia. I know something about its background. I know something about its significance to our safety.

In Ethiopia, recently, I met with Prime Minister Meles, his wife. I met with members of the Parliament and with all the individuals there who are trying to do a good job. While there, I saw firsthand their democratic progress and commitment in fighting terrorism. Although I appreciate the increased attention being given to Africa, particularly Ethiopia, I believe the bill is misguided and takes the wrong approach by placing demands on a friend and ally that has made obvious advancements in democracy and human rights. While I continue to agree that the violence and intimidation that took place after the 2005 election was an unnecessary use of excessive force, the Government of Ethiopia has taken significant steps again to regain a democratic process that is fair and respectful of human rights.

On July 20, 2007, following convictions and sentencing, 38 opposition leaders were granted full pardons. All remaining members of the opposition were pardoned and released on August 18, 2007. Since these events, reforms have been made in the election process. So often we use America as a standard by which to measure democracy in other countries. It is the same problem we have in the Middle East. People say they are not reaching the goals we want them to reach, having a democracy in Iraq. Why would they? It took this country several years to come up with a democracy. Why should they be able to do it?

The same thing is true in Africa. There are some 52 countries in Africa. Just recently have they come into democratization. It has been incredibly successful in many of those areas. The United States has recognized the ongoing efforts by the Government of Ethiopia and continues to play an important role for human rights in Ethiopia. The State Department recently hosted a group of opposition political leaders and members of Parliament in DC, providing an opportunity for dialog and reconciliation. By providing training in public relations, human rights and logistics planning and coordination for military procedures, the United States is developing the Ethiopian National Defense Force into a professional and apolitical machine.

We need to understand the significance of what is going on right now. We made a decision about 6 years ago to help the Africans establish five African brigades. They are located in the north, south, east, west, and central. It happens that Ethiopia is the headquarters for the East African Brigade. This is not something we are imposing upon them, but we are saying to them: If you want to do these, we are here to help you. Our idea is, as I mentioned, there is a squeeze in the Middle East. As terrorism starts going down through Djibouti and the Horn of Africa into northeastern Africa, this is an area where if they are prepared to take care of themselves, we would not be sending our troops there. It is a well-conceived idea. There is no one area in Africa that is as significant as northeastern Africa.

Let me digress a little bit. Go to their next-door neighbor, Uganda, northern Uganda. We hear so much about problems in the Sudan and other areas. But we don't hear anything about Uganda. In northern Uganda there is a butcher by the name of Joseph Knoy who, for 30 years, has been mutilating little kids. You have heard about the children soldiers. Those soldiers are taken over by these people and trained to fight at ages 10, 11, and 12. Then once they learn to be soldiers, they have to go back to their villages and murder their parents and family. If they don't do that, they dismember them. I have been up there to Gulu and other areas, and I have seen that taking place. This is right next door. This is what is happening in that region. Ethiopia has been our strong ally in the war on terror and stands on the frontlines of the conflict in Africa. The growing instability in Somalia and the Ogaden region, combined with the unresolved border disputes between Ethiopia and Eritrea, creates serious problems. Remember what happened the other day. A few weeks ago, we were sending our troops down to Mogadishu and the Ethiopians were fighting right there by our side. That was not an easy thing for them to do. That endangered them because there are many opposition groups who would then go into Ethiopia, and they paid dearly for supporting us. But they did so. They have remained committed to promoting regional stability and eliminating any staging area for al-Qaida or other terrorist organizations. In 2006, they sent roughly 100,000 troops with us into Somalia, into Mogadishu. We were successful in defeating the Islamic coalition. They did that for us. Despite these advancements, Somalia remains a continued concern for growing extremism and the violence continues to escalate. The Ogaden region which borders Somalia is also a growing place of hostility and Islamic terrorism. The ongoing insurgency in the region has taken a drastic toll on the civilian population, significantly affecting commercial trade and humanitarian aid.

In April of 2007, due to escalating violence, the ENDF initiated a campaign against the insurgency in Ogaden. The ongoing border dispute between Ethiopia and Eritrea threatens the stability in the Horn of Africa. I have talked to Eritrea, trying to get the two parties together. It hasn't happened yet. But the Eritrean Government, along with extremist organizations in Somalia, is providing support and assistance to the Ogaden National Liberation Front. Our friend in this fight is clearly Ethiopia. The United States remains concerned about human rights violations and the lack of religious and political freedoms in Eritrea. The United States will continue to work with Ethiopia to bring stability to the region and foster respect of human rights and freedom from political or religious persecution.

Ethiopia is so significant to the Horn of Africa. It remains an area of strategic importance in the war on terror. This area is critical to stability of the entire continent of Africa and is a national security interest of the United States. Ethiopia continues to be the central bulwark in the fight to deter the growth and disrupt the influence of Islamic extremism in the region. Our country's strong support of Ethiopia during this significant time is imperative.

In spite of all these successes, in spite of what we have talked about and the significance of Ethiopia, I think we have to oppose H.R. 2003. I have talked to several people who didn't know any differently. They didn't object to this. I think it went through on a UC over there. But a lot of people couldn't find Ethiopia on a map. I don't think they realized the significance. This resolution's idea of encouraging and facilitating is to impose restrictions and ultimatums. These punitive actions could damage the bilateral relationship between the United States and the Government of Ethiopia, as well as derail progress Ethiopia has made in furtherance of democracy and supporting human rights.

I fully support the State Department's assessment. Quite often I am criticized for coming down here and opposing the State Department. More often than not, that is the case. But in this case they are exactly right. They say: The bill risks damaging our ability to influence the Government of Ethiopia, advance reform, and to deliver effective development assistance.

I will only say, then, this is a success story we have had. I can't think of anything worse for the surrounding states, and I would say all other 51 countries in Africa, than if we were to punish the very country that is being friendly to us, is helping us, fighting with us side by side, sending 100,000 troops with American troops down to Somalia and working on our side.

I hope when it comes to this side, if it does come in this form, that we will be able to resoundingly defeat it. I look forward to being in Ethiopia in about 3 weeks. I will certainly hope that I don't have to go over there after having something like this pass the Senate.

With that, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 3328

Mr. DORGAN. Mr. President, I am going to offer an amendment in a few moments. First, I would like to spend a couple minutes talking about the amendment that was offered by Senator VITTER. I have a copy of the amendment. The amendment deals with the issue of drug reimportation. It says:

> None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the FDA Cosmetic Act.

I don't have any particular problem with this amendment. It says that the FDA can't do what it is not doing. So that is largely irrelevant to me. It has an appearance of doing something, but it doesn't do anything. At the moment, if you are in Grafton, ND, and you go across the border to Winnipeg, Canada, and buy prescription drugs and bring them across, if you bring across a 90-day supply of prescription drugs for yourself, you are not going to have a problem. They allow a personal reimportation of prescription drugs because very few Americans have the opportunity to drive to Canada to access that. The one area where the Vitter amendment would allow reimportation where there needs to be some safety attached is with respect to Internet sites. But the fact is, those who are now accessing certain Internet sites are doing so, and the FDA is not intervening because they don't have the capability to intervene.

We do have a piece of legislation that is bipartisan. Senator SNOWE, Senator KENNEDY, Senator MCCAIN, Senator GRASSLEY and myself, many of us, helped write the legislation that would allow the reimportation of prescription drugs on a much broader basis, in a manner that is determined to be safe, where we would actually require Internet sites to be registered and inspected. But let me talk about that in just a moment.

Mr. President, I have kept in my desk here in the Senate something I want to show by consent. These are a couple of bottles of Lipitor. Lipitor is, I think, the most common and perhaps the most popular cholesterol-lowering drug. These two bottles contain 20-milligram tablets of Lipitor. As you can see, the bottles of Lipitor are identical, with the exception of the color—one is blue and one is red on the label. Both of these bottles of Lipitor tablets were made in Ireland. They put some in this bottle, they put some in this bottle, and then they start sending them around. They sent this bottle to the United States, and they sent this bottle to Canada.

Now, understand this: This is an FDA-approved drug, produced in an FDA-approved plant in Ireland, sent to our country, sent to Canada—the same pill, put in the same bottle, made in the same place, FDA-approved. Difference? Well, one has a red label, one has a blue label. And there is another very big difference: one costs twice as much. There is a 96-percent higher price on the one the Americans get to purchase. Difference? Well, no difference in the pill, no difference in the bottle; it is just the American consumer gets to pay twice as much. Now, why is that the case? Well, I could hold up a dozen bottles of medicine and describe many popular brand names and tell you exactly the same thing.

In fact, I will tell you a story. Sitting on a bale of straw once at the farmstead in central North Dakota on a Sunday afternoon, visiting with a group of people, was an 82-, 84-year-old farmer. I was in the farmyard visiting with some farmers at an afternoon stop, and this old codger, a wonderful old guy, said: ''One of the problems me and the Mrs. have had—yes, that is what he said—''One of the problems me and the Mrs. have had is being able to afford prescription drugs. My wife has been fighting breast cancer for a long time. For the last 3 or 4 years, she has been fighting breast cancer. And do you know what? Every 3 months we have had to drive to Canada to buy Tamoxifen to fight her breast cancer. Why do we do that? Because we save 80 percent on the cost, and that is the only way we can afford to buy the medicine, the Tamoxifen for my wife to fight her breast cancer.''

Isn't that something? This guy sitting on a bale of straw, talking to me about what he has to do every 3 months to be able to afford the medicine his wife needs to fight breast cancer.

Now, that is Tamoxifen. We pay, in some cases, 2 times more or 3 times more for the same medicine, so we then have a woman fighting cancer and then fighting the issue of having to pay 2 or 3 times as much for the medicine.

Now, first of all, this is unfair. There is no circumstance under which we ought to ask the American people to pay the highest drug prices in the world for FDA-approved drugs. It is not fair, and it should not happen.

Now, how does it happen that they can enforce this, the pharmaceutical industry can enforce this? Well, they have a law that says the only ability to import drugs into this country is by the pharmaceutical manufacturer itself, the company itself. They are the ones who are able to import. Now, I just mention to you that as a matter of practice, they allow a personal supply of drugs to come across the border for about 90 days' worth of drugs. They do that. But, otherwise, if you are a licensed pharmacist or a wholesaler and you buy an FDA-approved drug, you cannot bring it into this country.

By contrast, let me just describe this: 40 percent of the active ingredients in prescription drugs in this country come from China and India. Forty percent of the active ingredients in our prescription drugs come from China and India.

Let me tell you another statistic that I think is interesting. In this country, we had 1,200-plus inspections of pharmaceutical plants that are producing medicines for the American people—1,200 inspections. Forty percent of the active ingredients for our prescription drugs comes from China

and India, and we have had, in 2006, 16 inspections in China and 62 inspections in India—1,222 inspections in the United States. Isn't that interesting?

I tell you all that as a bit of history just to say this issue of prescription drugs is not new. A bipartisan group of us has worked for a long while on this issue, and we are going to win this issue. It has taken us longer than we had hoped, but we are going to win this issue because it is not fair for the American people to be charged the highest prices in the world for prescription drugs.

We have so far not been able to prevail, not because someone comes to the floor of the Senate and thumbs their suspender and tugs in their trousers and puffs out like a puff adder and says: I stand up here for the pharmaceutical industry; the American people ought to be charged the highest price in the world. Nobody has ever done that. There are other ways to try to derail legislation like this. But, ultimately, I think we will win. We have a wide bipartisan group of Senators who believe we must fix this. Now, how do we fix it? We fix it in a way that allows the reimportation of prescription drugs only from FDA-approved plants, only in circumstances where we apply pedigrees and lot numbers so you can track it back. For example, you could not import from an Internet site unless that Internet site had been inspected and certified to make sure this is a safe source from which to order prescription drugs.

We have a piece of legislation we believe—and almost everyone who has testified in hearings believes—solves all of those problems, including dramatically increasing the security of all the other issues that are now being complained about with respect to counterfeit drugs. How does it happen we have counterfeit drugs? Well, it happens because we do not have enough inspections. We do not have enough attention to these things. We do not have a pedigree requirement. There are a number of things our legislation would require. But at that point, we would allow the American people to have access to this market and be able to shop for an FDA-approved drug from a country in which they pay one-half, one-fourth, and in some cases one-tenth the price the American consumer is charged.

So let me say, I do not object to the Vitter amendment. I would hope they would just take it. It has been offered to other issues. I would just say, however, that it really does not do much because it is saying to the agency: Don't do what you are not doing. I do not have objection to that. But I do want to say this: There is a serious approach with respect to prescription drug issues that we need to get about the business of dealing with, and we are trying very hard to get it to the floor and get it passed. We will get that done at some point soon, in my judgment.

Having said that, I would like to offer an amendment to the underlying bill. Before I do, I think this is not only an obligation but an opportunity for me to say to Senator HARKIN and Senator SPECTER and others who have worked on the legislation that I think they have done an awfully good job in putting together legislation that invests in people's lives and invests in the health of this country, and I appreciate their work a lot. So I just want to say thanks. This is a big piece of legislation. It is hard to put together. It is not an easy job to carry this to the floor of the Senate, so thanks for what they have done.

AMENDMENT NO. 3335 TO AMENDMENT NO. 3325

Mr. President, if there is an amendment pending, I ask unanimous consent that the pending amendment be set aside so I might send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 3335 to amendment No. 3325.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the State Heart Disease and Stroke Prevention Program of the Centers of Disease Control and Prevention)

On page 59, line 22, insert before the semicolon the following: '', of which $5,000,000 shall be made available to the Centers for Disease Control and Prevention as an additional amount to make grants under the State Heart Disease and Stroke Prevention Program''.

Mr. DORGAN. Mr. President, this issue is not a large issue in the context of the bill that has been brought to the floor of the Senate—it deals with $5 million of resources—but I want to talk just for a few moments about it. It deals with the issue of heart disease and stroke.

There is no one in this Chamber, I expect, who has not been affected by heart disease in dramatic ways. I lost a beautiful young daughter to heart surgery, and I think of her every day. I have dedicated a lot of my time and interest in working with the American Heart Association and many others to find the resources to continue to invest in the research and unlock the mysteries of this terrible disease.

It is estimated that about 80 million American adults—1 in 3 males and females—suffer from heart disease. It is estimated that an American dies from cardiovascular disease every 35 seconds in this country. It has a very steep price tag. I know it. My family knows it. Perhaps, I would guess, every Member of the Senate knows it from having lost a friend, an acquaintance, a family member. The medical expenses attributable to heart disease in this country are about $430 billion a year, including lost productivity. But the good news is that this is one of those diseases where we have made substantial progress. In the past 50 years, the fight against heart disease and stroke has been pretty remarkable.

I recall Senator HARKIN, and myself, and Senator SPECTER—I think there were five or six or seven of us who decided we were going to double the investment in the National Institutes of Health. As I recall, about then we were funding it at around $12 billion a year. A group of us decided: What better investment in this country's future than to decide to double the amount of money at the National Institutes of Health to research and to discover opportunities to cure these terrible diseases and treat these awful diseases. I am so proud of what has been done. It is pretty remarkable.

I heard this morning at a hearing over in the Commerce Committee something I have heard so often that I am so sick and tired of. One of our colleagues said there is nothing the Federal Government does that is really worth anything, nothing the Federal Government manages that ever works out.

Well, let me tell you something. Dr. Francis Collins is one of the significant people who engaged in something that, by the way, came from earmarked funding, started here in the U.S. Congress, right here in the U.S. Senate, the Human Genome Project. Do you know that? As a result of the Human Genome Project, we now have unlocked the mysteries of the genetic code. We now, for the first time, have an owner's manual for the human body. Do you know what that means? Well, not a lot of people understand it every day, but every single day, scientists and researchers are understanding those genetic codes and making giant strides in beginning to find cures for diseases.

Dr. Francis Collins came back from Cambridge, England, about, oh, maybe 2 months ago, and I saw him at Dulles Airport when he landed. He had gone for a conference in England about how the researchers were using the genetic information from the Human Genome Project. He said: I thought it was going to take much, much longer. What is going on now is breathtaking in using the Human Genome Project to find the opportunity to treat and to cure some of these diseases. He said it is breathtaking.

That is the Federal Government. This is a civil servant, by the way. As to the research that is going on at NIH, these are people on the Federal payroll. So to my colleagues who think nothing works, let me just tell you something: There is only one place on Earth where the Human Genome Project reached success. And, yes, it was a collaboration, but we did it. It is going to improve lives, and it is going to unlock

the mysteries of terrible diseases. It was a good thing to do.

But my point is, Senator HARKIN and Senator SPECTER were two—and I think Senator FEINSTEIN—and I was one who decided we were going to double the research funding at the National Institutes of Health. Guess what that has done for this country. It allows me to stand here and say we are making great progress on heart disease. We really are. The survival rates for cancer are up. So we are making progress.

The reason I wanted to offer this amendment is this amendment deals with heart disease and stroke. We know the risk factors for heart disease and stroke. We know if you understand the risk factors, you can substantially reduce the risk of heart disease and stroke—by not smoking, by maintaining a healthy weight, and avoiding diabetes, high blood pressure, high cholesterol. We know you can do that. In fact, by taking these steps, individuals often can add 10 years to their lives. So we have made some progress by making investments. There is a long way to go. We have 105 million Americans who have high cholesterol and 72 million Americans have high blood pressure, so we have to do a much better job of educating the public about cardiovascular disease. That is the goal of what is called the State Heart Disease and Stroke Prevention Program at CDC.

What I have offered, very simply, as I close, is a $5 million addition to the State Heart Disease and Stroke Prevention Program at CDC. It is a program that works. We know it works. It needs this additional funding to make it more widely available. This initiative will help States create the programs, the private-public sector partnerships, that will help individuals in controlling blood pressure, lowering cholesterol, and learning the signs and symptoms of heart disease and stroke.

This is a program that we know works. I am hoping that finding an offset, which I have suggested in my amendment, would allow us to accept the amendment. I did not intend to take quite this length of time, but I needed only to say to Senator HARKIN and Senator SPECTER how much I appreciate their work, and my hope is that having highly complimented them, they will be motivated to accept this amendment. I compliment them even if they do not accept it, but I have high hopes.

Mr. HARKIN. Mr. President, I thank the Senator from North Dakota for his longstanding effort to give our consumers a better shake when it comes to drug prices in this country. I also thank him for all of his help and support over the years for funding for NIH. I know of his intense interest, of course, in heart disease. The amendment is a good amendment. It is one I can support. We are trying to work it out now, of course, in terms of the offset. Our staffs will be working on it and hopefully we will be able to have that worked out.

Hopefully we can set this amendment aside for right now and move on to other amendments, but I assure my friend from North Dakota we will get this worked out one way or the other.

Also, on the Vitter amendment, I understand we don't have a clearance on that either at this time, so I ask to set that aside also so we can move on with other amendments.

AMENDMENT NO. 3336 TO AMENDMENT NO. 3325

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. KYL, proposes an amendment numbered 3336 to amendment No. 3325.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for a feasibility study on the child abuse and neglect registry)

On page 64, line 5, insert before the period the following: ''*Provided further*, That $500,000 shall be available to complete a feasibility study for a National Registry of Substantiated Cases of Child Abuse or Neglect, as described in section 633(g) of the Adam Walsh Child Protection and Safety Act of 2006 (Public law 109-248), and the Secretary of Health and Human Services shall submit the report described in section 633(g)(2) of such Act not later than 1 year after date of enactment of this Act''.

Mrs. FEINSTEIN. Mr. President, let me quickly give the background on this. In May of 2007, Senator KYL, Senator DOLE, Senator BOXER, Senator LOTT, and myself sent a letter to Michael Leavitt, the Secretary of HHS. We pointed out that the Adam Walsh Child Protection and Safety Act was passed in July of 2006. Pursuant to that act, there were to be two registries set up. The first registry was to be located at the Department of Justice and it would require the establishment of a national sex offender registry which would track details of convicted sex offenders and make the information electronically available to authorities in all jurisdictions, and even the public at large. This registry is up and functioning.

The second registry authorized by the new law was a national registry of substantiated cases of child abuse and neglect. That was directed to be located at the Department of Health and Human Services. This registry is a different but equally vital resource intended for child protection authorities only. Believe it or not, each State already collects information on substantiated cases of abuse and neglect, but once an investigation is under way, adult perpetrators of violence or neglect on children need only to move to another State to escape, and this is the difficult part, because there may be no trace, no record kept that the new State can easily access. In this way, some children may never escape abuse in their own home, because the offender can simply move.

Essentially what we have in this amendment is a request for funding of $500,000 to complete the necessary feasibility study which is the first step to the establishment of a national child abuse registry. I have spoken to the chairman of the committee, Senator HARKIN. I submit this on behalf of Senator KYL and myself. I haven't had a chance to talk to the others—Senators BOXER, LOTT, and DOLE—but I am sure they would be associated with this as well. It is $500,000 for the feasibility study, and my hope is it can be accepted.

I thank the Chair, and I yield the floor.

Mr. HARKIN. Mr. President, I thank the Senator from California again for her championing this issue for a long time. This amendment from Senator FEINSTEIN will provide funds for a feasibility study so no offset is needed since funds are set aside within the existing total for HHS general departmental management. The Adam Walsh Child Protection Safety Act of 2006 required the Secretary of HHS to create an electronic national registry of substantiated cases of child abuse and neglect. They have not yet created that registry. There have been some problems that have been raised about this, and the feasibility study amendment Senator FEINSTEIN has offered will address several implementation concerns regarding the establishment of the registry.

So again, I support the amendment. We can accept it. I believe it has been cleared on both sides, so we will accept the amendment.

Mrs. FEINSTEIN. Mr. President, I thank the chairman and ranking member. It is my understanding that—we were told, at least—HHS couldn't do this because they didn't have the money, so this would make that money available and hopefully we will get it. So I thank the Senator very much.

Mr. HARKIN. Yes, the $500,000 will get the job done.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3336) was agreed to.

Mr. HARKIN. Mr. President, 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. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I know the Senator from Alabama is going to speak. He was kind enough to let me make these comments since we are on the Labor-HHS appropriations bill in the field of health. There are a lot of provisions in this appropriations bill that are absolutely necessary.

On the subject of health, we have a critical vote that is being taken tomorrow in the House of Representatives. It is on the question of the override of the President's veto of the Children's Health Insurance Program. This is a plan that was established about 10 years ago, recognizing that there are children whose health care needs are not paid for by Medicaid because their parents earn too much money to qualify for Medicaid but whose family incomes for those children are such that they are not high enough for the family to afford health insurance for their children.

What is the cost to society down the road if children's health is not addressed in those early years and medical complications are manifest in later years? Ultimately, the cost to society overall is much greater. So it makes good common sense, even good common financial sense, that we try to address health care needs for children, and that is an appropriate role for the Federal Government to assist if the parents of those children cannot afford that health care.

That is what the Children's Health Insurance Program, CHIP, is all about. There are different people who handle it different ways in different States. In my State of Florida, we recognized this was a problem, and we set up what was called the Healthy Kids Program under Federal law, of which there was a program to expand health insurance distributed through the schools so we had a point of contact—with an eligibility of the child according to their eligibility in the School Lunch Program—which was a determination of whether the child met that family income level. It was a tremendously successful program before this Federal program was ever set up 10 years ago.

Now we are at the moment of truth of whether we are going to reauthorize this program and whether we are going to expand it.

There are, for example, in my State of Florida, 700,000 children who are not covered by health insurance. This new program of expansion to cover the 6.6 million currently enrolled kids, plus another 3.2 million kids—a modest increase—is only going to cover about 350,000 to 400,000 more in my State of those 700,000. It is not going to get all the kids, but at least it is a step in the right direction.

Back in that early program, before this Federal program was set up, I was the chairman of the board of the Healthy Kids Corporation that reached these children. Time after time, we would have parents come to us in tears to what this program had done for that child who had this or that malady and that because they had health insurance, in a lot of cases, through preventive care, they diagnosed that malady and got the proper treatment for the child.

There is nothing like the agony of a parent who cannot provide the health care for their child because they cannot financially afford it, and that is what this program, the Children's Health Insurance Program, set out to do.

In the course of the debate on this legislation, and if the House of Representatives tomorrow overrides the veto, it is going to come to us. I think we have the number of votes in the Senate to override. There will be a lot of speeches about the legislation. It is amazing to me the number of misstatements that have been made about this bill and the likes of respected Senators, such as Senator GRASSLEY of Iowa and Senator HATCH of Utah, have come to this Chamber and pointed out that misinformation and those misstatements about this bill. There are misstatements even coming out of the White House in the veto message.

This legislation does not try to substitute adults for children. The whole program is about providing insurance for children. Of the 6.6 million children who are currently enrolled under CHIP, 91 percent of them are in families with incomes at or below 200 percent of the poverty level. That is approximately at or below $40,000 of income for a family of four.

It simply does not provide—and I will not go into the details—this is not a program for adults. About the only adults who are going to get some care under this legislation are pregnant women. It will allow the States the option of providing coverage to pregnant women, but the pregnant women are the very women who are about to have the child, and we want to make sure she has the help in order to deliver a healthy baby.

These scare stories people throw up about this being for adults—as a matter of fact, the reform legislation cracks down on a lot of the potential eligibility that the States were allowed to get waivers in order to cover adults. This stops a lot of that practice.

Contrary to what I have heard other people saying, this legislation does not provide insurance for families that make over $80,000 a year.

It becomes clear, it seems to this Senator, that it is common sense that when it comes to children's health, that is in everybody's interest. No matter whether you come from a red State or a blue State, whether you sit on that side of the aisle or this side of the aisle, healthy children is the commonsense interest for us to have for all of America.

I certainly look forward to the House providing an override, and if, for some reason, they do not provide that override of the President's veto and we get it, that we can do the override, and then we are going to have to continue to work to ensure that we achieve a reauthorization of this bill that puts the health of our children ahead of partisan politics.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

AMENDMENT NO. 3324

Mr. SESSIONS. Mr. President, I wish to take a few moments now and call up my amendment. I wish to make some comments about amendment No. 3324. It is an important amendment that deals with an issue that is too often overlooked, and I will share my thoughts about it.

The amendment will restore funding to the Office of Labor and Management Standards at the Department of Labor by increasing funding at OLMS by $5 million. There is an important principle involved here. Union members should have the same protection of their moneys that stockholders have in businesses. In many ways, they deserve better protection than stockholders.

The Office of Labor and Management Standards is to union transparency and integrity what the SEC, the Securities and Exchange Commission, is to corporate accountability. Yet for fiscal year 2008, the Senate appropriations bill that is now before the Senate funded the SEC at $905 million. That is $12 million above the fiscal year 2007 level and at the requested level of the President's budget.

The Office of Labor and Management Standards is the only Federal agency created to protect rank-and-file union members. It enforces the Labor Management Reporting and Disclosure Act of 1959, which requires financial disclosure by labor unions and union officers. It requires disclosure, that is all it does.

This office audits, in addition, union books to detect embezzlement and other thefts of union members' dues and ensures fair elections of union officers.

The mission of the OLMS, referred to on this chart, is to provide union financial transparency; that is, it would require the officers to tell their members how they are spending their money. That is all it does. It does not tell them what they must spend it on. It requires that they give a fair report of the money they obtain from their members.

It has as its mission to protect union financial integrity. As I will point out, we have had quite a problem with that issue over the years.

It will safeguard union democracy. That is fair elections in unions.

All those points are important issues. Anyone close to this issue for the last 50 years knows we have had constant problems in this area. This is popular with the union members and is the right thing for us to do.

This office has been funded at $47.8 million, and it has shown big results. It

is a small agency that is showing big results, and I will talk about that point.

From 2001 to 2007, OLMS investigations have resulted in 796 convictions—that is since 2001—and have resulted in court-ordered restitutions to unions and to union members of $101 million. Those are pretty good results.

I am going to explain in a moment how they are vastly underfunded already. We need more. I will go into that issue in a moment.

Since 2001, OLMS has recovered, as I noted, $101 million. I doubt that is all that was stolen. No doubt it is not all that was stolen. This is what was actually ordered and recovered in restitution. I would say that, by any standard, $101 million is a lot of money.

Since 2001, the work by OLMS has resulted in convictions and restitution, so we are talking about an agency that is working on behalf of the American worker, ensuring the American worker knows how the union dues they have contributed are being spent. When it is clear their money is being abused, OLMS works to fairly return the money to them; this is a good program and an important program.

Embezzlement is not something the American people support. We as a Congress are focusing on transparency in a lot of different areas, and it is embarrassing that our colleagues have decided to cut funding in the one office in the whole Federal Government, the only one, that is required to carry out this job with regard to our unions.

Let me show this chart. As a Federal prosecutor myself for a number of years, I have to say I am impressed with these numbers. Since 2001, 95 percent of indictments that have been produced as a result of OLMS investigations have resulted in convictions. That is a pretty good success rate. So it is clear they are not picking on people who have made honest mistakes or where honest errors are occurring and people are doing what they are supposed to do as union leaders.

In fact, they have offices strategically placed around the country. Every union in the country has OLMS employees who live within driving distances of their offices. They are ready to help the union leaders figure out how to complete any required forms and disclosures. They are prepared to assist in any problems that arise in union elections. They are a resource and were not created as a punishing tool for unions.

We are not, as a part of this amendment, and those who support this amendment, out to kick labor unions around. We are trying to make sure they comply with the law and ensure that the rank-and-file members have someone watching out for them and their money. It is clear from these statistics that there is still a need for oversight, sunlight, and transparency. That is clear. We have a problem out there and it still exists. It is painfully clear we need to be monitoring union officials who are taking bribes—and some have been convicted of that—who are involved in racketeering and stealing hard-earned money from working Americans.

Since 2001, OLMS has been able to audit only 3,275 of the 26,000 unions on record. They are supposed to be auditing these unions, but, in fact, since 2001, they have only been able to audit 12½ percent of the unions on record. I have to tell you, if you do more audits, you are going to have less criminal activity. It is when people know they are not being watched, know they are not likely to be audited, that they take chances and make mistakes and get themselves in trouble and cost their union members a lot of money.

OLMS, in the year 2000, only did 204 audits out of well over 20,000 unions. That is the equivalent of a union being audited once every 133 years. Last year, OLMS did 736 audits, which translates into an audit every 33 years. So we are doing better, but we are still a long way from a regular audit program.

Now, with the $2 million reduction in funding—and you have a cost-of-living increase with salaries and electricity and all those kinds of things that tend to go up—if you have taken a flat net reduction of $2 million in funding, there will be approximately 350 fewer audits each year. That is about half.

Shouldn't we be seeking more audits, considering that from the 3,267 audits that were completed between 2000 and 2007 there came 827 indictments and 796 convictions? I think so. I think this is a good investment for our country.

Now, in the very few reports OLMS audited, evidence was found in many of them that warranted other action. In my home State of Alabama, 41 audits were completed, and from that came 20 convictions; that is, almost half the audits resulted in some conviction.

Here in the District of Columbia, 30 audits were completed, resulting in 27 convictions. One of those was the Washington Teachers Union. Let me give that example. On October 23 of last year, in the U.S. District Court, Cheryl Martin, the daughter of a former Washington Teachers Union executive assistant to the president, Gwendolyn Hemphill, was sentenced to a probationary sentence—which she should be most thankful for, it appears to me—for her role in an embezzlement scheme which defrauded the union of $4.6 million. Right here, just last October. She pled guilty to conspiracy to laundering money and for assisting her husband Michael Martin in laundering more than $500,000 in Washington Teachers Union members' funds, most of which were funneled back to Hemphill and the then WTU president, Barbara Bullock.

Well, that is quite a lot—$4.6 million stolen from only about 5,000 union members. That is about $1,000 a member. This isn't chickenfeed, it is real money. I have heard stories of how some of those very same teachers who lost their money through union embezzlement are the same ones buying pencils, books, and supplies for their students out of their own pockets. So despite what some might say, convicting people who steal from unions and seeking restitution is not anti-union activity; it is pro-union activity.

There are many cases such as this that need transparency to come to light. Since 2001, the administration, President Bush, and Secretary Chao have worked hard to reach consensus on how best to work with the unions to get voluntary compliance on disclosure forms that the law requires them to make. But, still, many unions are not reporting as they are required to do. This chart shows, unfortunately, that the compliance rate for unions is only 64 percent, with 36 percent failing to comply.

That is an unacceptable number. If this were the Securities and Exchange Commission, we would not accept the fact that our stockholders and employees are placed at risk because those entities, those corporations, are not being monitored. If it were the Federal Election Commission and we didn't submit our financial disclosures on time, people would be very critical. Somebody would probably ask that we step down from our offices as we would be committing a violation of the law. However, we don't seem to be as willing to protect our workers and the money they pay in to their unions.

The way this works here, we have public access when these forms are reported, the ones that do, and you can call or go to the Department of Labor in person or get online information at www.unionreports.gov and review these reports.

Now, union members care about this. It is most valuable information to union members—those people in the town who know the community, they know the company, they know the union, they know their coworkers, the stewards, the union reps, the employees. By law they are required to have this information to see what is being done with the money. Union members want to know how their dues are being spent, and it is clear they are looking to see how their money is spent.

Between May of 2006 and May of 2007, in the past year, there were 767,000 hits on the OLMS Web site, an average of over 2,000 a day. People are looking to see how their bosses are spending their money. According to a 2004 Zogby poll, 71 percent of union members want disclosure. They want to know how their funds are being spent. The foundations of this transparency were established in the 1950s when the Labor-Management Reporting and Disclosure Act of 1959 was passed.

Transparency and sunlight—full disclosure of financial gains and losses. These are the tenets that Senator Kennedy, John Kennedy, former President Kennedy, and the McClellan Commission report, set in place 50 years ago to

protect union members, our hard-working Americans, from corruption, bribery, coercion, or maybe worse.

The data shows the actions OLMS is taking in pursuing corruption are spot on. They are doing what they should be doing; they just don't have enough resources now to do it. They certainly don't need a cut in their budget.

When President Bush took office and Secretary Elaine Chao was appointed to be the Secretary of Labor—and she has done a fantastic job, in my opinion—they quickly learned that most union members didn't even know they had rights or what agency would enforce those rights if they were abused. Now there are posters placed at every union workplace stating clearly the rights and duties of unions and employees.

The funding increase proposed in this amendment, which I will be offering, I believe is warranted as OLMS is showing substantive results that are benefitting rank-and-file members, and providing valuable resources to union leaders as so many of them work to uphold the law, but they need assistance in doing that correctly. In fact, the Department of Labor has gone to great lengths to ensure that labor union officials have all the help they need and that the reporting requirements are reasonable.

To make the rules fair, you must sometimes work out problems you have and decrease the burden. Over the years, the Secretary has consulted with labor leaders, has made the forms easier to understand, has worked closely with the AFL–CIO and other unions to create exceptions, exemptions, and to simplify reporting requirements where possible. But you have to know where the money is being spent ultimately. DOL last year added examples and further guidance to one of the forms that is required, the LM 30.

OLMS has been funded below the requested level for the last several years. This is beginning to accumulate in a way that is hurting their ability to meet their needs. This is the level requested by the President to keep this agency on track, and we have been seeing a decline in funding. Last year, the budget was $47.753 million. This year, the committee bill cuts it by $2 million to $45.737 million. With all due respect, I think that is a bad decision. We have a lot of increases in this agency. It is a very important agency, but that is a major reduction when you see it has continued to fall behind what we projected their growth to be.

This agency has seen difficult times. It does seem to be an issue that is political, I have to say. During the Clinton administration, OLMS was cut to only 260 employees. Understaffed, the division was purposefully and expressly prohibited from even carrying out the enforcement duties the law required. This administration has at least attempted to restore resources to OLMS so it can carry out its mission. Even so, the President's fiscal year 2008 staffing request for only 369 FTEs—that is full-time personnel—is still below the 1985 level, which was 463.

Now, as you can see, the trend has turned away from providing even those resources, resulting in a more substantial cut. It indicates to me that if we maintain this level, this Congress is not interested in seeing that this agency, the only one in Government empowered and given the responsibility of enforcing integrity in unions, would be reduced in its ability to do so, to a precarious level indeed.

In fact, OLMS was the only enforcement agency, the only one in the Labor Department, that received a budget cut during the congressional markup of that bill. It is the only one in this bill on the floor now, the only office at this agency, that got a cut. The Appropriations Committee increased the Department's overall budget by $937 million above what the President requested for the Department of Labor. The only cut in the Department's budget, which totals $10 billion, was an $2 million cut for OLMS.

Senator John F. Kennedy was instrumental in passing this act in 1959 and the act says that a member:

> . . . must have access to union financial records and has the right to recover misappropriated union assets on behalf of a union when the union fails to do so.

That is what the act called for. Senator Kennedy spoke on it aggressively. Then Senator Kennedy, later President Kennedy, said:

> The racketeers will not like it, the antilabor extremists around the country will not like it, but I am confident the American people, and the overwhelmingly honest rank and file union members, will benefit from this measure for many years to come.

That was in 1959, almost 50 years ago. He said they will benefit from this law for many years to come, and I submit they have: 796 crooks have been convicted, $101 million in restitution has been received in the last 6 years.

Senator ROBERT BYRD, a champion of union rights who, I have to tell you—isn't it something? is still a Member of this Senate—he was active in this debate. During that time, he got a letter from a member of the UMWA in West Virginia. They sent him a letter condemning his vote for it.

Senator BYRD, who still retains great respect in the union membership—and leadership, too, for that matter—this is how he responded on the floor of the Senate:

> The bill which passed the Congress will not hurt honest unions, and it will give added protection to the rank-and-file members in the unions. Honest union leaders have nothing to fear from the legislation . . . the corruption and racketeering that have been revealed in the fields of both labor and management made it imperative that some kind of legislation be enacted.

I applaud the efforts of OLMS to pursue those who are misusing their power over our hard-working union members, those who are using that money for their personal benefit, abusing their position by squandering the hard-earned dollars of working Americans.

Let me mention this story about the United Transportation Union. I think it highlights what can happen when there is no consistent oversight. I have a photograph that was taken in the course of an investigation that shows a person handing over money in a corrupt transaction. What is happening here is that the money is being given by a designated UTU legal counsel named Victor Bieganowski. The person receiving the money was John Russell Rookard, 58, of Olalla, WA, a top special assistant to Byron Alfred Boyd. Mr. Boyd was president of the UTU at the time.

This picture shows the handing over of the money. There was an undercover agent working there and they recorded the deal.

In 2004, Boyd, the international president of UTU, the nation's largest railroad operating union, pleaded guilty to participating in a bribery scheme involving Houston lawyers. Union officials extorted bribes from the lawyers in exchange for access to union members who might have been injured so they could file lawsuits.

As a March 12, 2004, Houston Chronicle article explains, Byron Alfred Boyd, Jr., 57, of Seattle, is the last of four officials of the United Transportation Union to plead guilty—he admitted that he did it—in a plan to extort bribes from the lawyers in exchange for access to injured union members. He admitted using the bribes obtained from the lawyers, extorted from lawyers, to gain control of the union. He used it for his political strength too. He persuaded former union president Charles Leonard Little, 69, to resign in exchange for $100,000 and a new pickup, so Boyd could assume the post. He wanted to be president of the union. He goes to the former President and offers him $100,000 and a new pickup to resign so he could be president.

Mr. Little should have been a little bit more careful before he resigned because when he resigned he never got his money, but he was out of office. Little also pleaded guilty last year, as did the former union insurance director, Ralph John Dennis, 51. The man in this picture, John Russell Rookard, 58, of Olalla, WA, a top assistant to Boyd, also pleaded guilty. The indictment alleged that some union presidents determined which lawyers were to be included on the union's designated counsel list. That position was coveted and very valuable because he gave those lawyers easier access to get clients from union members who might have been injured. They would therefore be able to make a lot of money off lucrative personal injury lawsuits.

At the time of the indictments, 56 lawyers were on the list, including 6 in Texas. Unfortunately, we have example after example of this kind of disregard for doing the right thing with the money of our hardworking Americans.

On August 31, let me note, Judy A. Thurman, former treasurer of Federated Independent Texas Union Local

900, pled guilty in the U.S. District Court for the Northern District of Texas to embezzlement of union funds totaling $164,268.50. That is a lot of money.

We also have election violations. Assisting labor unions when problems arise in elections is an OLMS responsibility. One union officer generated over 300 phony ballots using the union's computer. He marked the ballots for himself—who else, I suppose—placed them in false return envelopes and returned them to the union, where they were subsequently counted in the election. Those kinds of things are hard for an average union member to understand, ascertain or prove. An agency such as this, that knows how to investigate and prove these things, can make sure our elections in unions are legitimate.

All of us in this Senate know we have to have good staff, and Liz Stillwell, with me, is very much that. So staff capacity at OLMS is an important reason I have introduced this amendment. In 1992, staffing at OLMS was around 392. During the Clinton administration, it was cut back to 260. Today it is back up to 315, which is a little better. As you can see from this chart, the cuts have hit the Department hard. As a result, they are still unable to audit more than 2 to 4 percent of the total unions each year. Only 12 percent of unions have ever been audited. Of those audited, there have been 796 convictions. It tells us something.

Let me say this. I spent most of my professional career as a Federal prosecutor. I prosecuted labor cases. But let me say, if you don't want to have these convictions, if you don't want to have this kind of theft from union members, let me tell you how to stop it. Have regular audits. Once everybody knows the money is going to be accounted for, that somebody is going to be watching closely, they are not going to steal. It is when there are no controls that people feel they are out on their own in some town or city or wherever, and nobody is looking, there is lots of money coming through the headquarters there and they have an opportunity to get it and they think no one is going to know it—temptation takes over.

It will happen to anybody, not just union members or business people; it could happen to anybody when that kind of money is lying around. It happens in churches. People steal from churches. They have an opportunity and nobody has an ability to watch and account for it. If we want to end this kind of thing and strengthen unions and create a better reputation and environment, we need to step up prosecutions and we will begin to see a major reduction in crime, fraud, and abuse. That is the way it is.

Since 1959, when Senators BYRD and KENNEDY and other leaders passed the Labor Management Reporting and Disclosure Act, these priorities that I mentioned have been the guiding standards of this agency. The standards are to promote union democracy, protect union members' funds, protect American workers and fight labor racketeering.

This $2 million cut is not aimed at an anti-union agency. It is, I have to say, an act that appears political and it appears it is conceding and giving in to union leaders and forgetting the interests of union members.

I know a lot of the union leadership have complained about this law. They don't want to have to file a reporting document. They don't want to have to put it in—36 percent of them are not getting it in on time or at all. But who are we representing? I say we ought to represent union members and 71 percent of them want this disclosure; over 700,000 last year checked their union leadership reports on the Web site to see how their money was being spent. What is wrong with that?

When it was created by Senators KENNEDY and BYRD and others, it was not to shut down unions, it was to shut down theft, waste, fraud, abuse, criminal activity. Of around 26,000 unions active today, only 2 to 4 percent have been audited each year since 2001; only 12 percent have been audited at all. A quarter of the unions audited, 25 percent, have been found to be in violation of the law; 75 have been correct, were not found in violation. But 25 percent were found in violation. If we did those audits more regularly, we would have fewer problems with compliance, we would have fewer criminal convictions, we would have less restitution to have to be paid as a result of theft and abuse of the money.

This transparency will help us there. When you turn on the lights, you can actually see what is going on and take action to fix the wrongdoing. So I hope somehow we can work through this.

I know the managers of this bill have done a tremendous job. They had thousands and thousands of people making suggestions on thousands and thousands of issues. Then, to have somebody such as me come in and tell them this is what I think you ought to do—one more time, I am sure our colleagues such as Senator HARKIN and SPECTER get tired of everybody's complaining. But I think we ought to work on this. I think this reduction in funding cuts from an agency that is actually doing a good job.

We ought to encourage that agency to do a better job and actually increase their funding more. So I am asking simply that $5 million be put back in, which would bring it a little bit above last year's appropriations for the agency so they can at least stay on track of inflation and everything to continue at the same level of auditing and investigating they are now doing. I wish we could do more. Frankly, I wish we would. This would be my suggestion.

I continue to look forward to perhaps seeing if we could reach some sort of accord on this. I ask my colleagues to study it carefully. I urge them to vote in support of this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from Iowa.

Mr. HARKIN. 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. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3339 TO AMENDMENT NO. 3325

Mr. HARKIN. Mr. President, I have an amendment I am offering on behalf of Senator SMITH of Oregon. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. SMITH, proposes an amendment numbered 3339 to amendment No. 3325.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a technical correction to suicide prevention grants authorized under the Garrett Lee Smith Memorial Act)

On page 49, line 19, insert before the period the following: ''*Provided further*, That Section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008''.

Mr. HARKIN. Mr. President, this is a 1-year technical fix requested by Senator SMITH. These are the State suicide prevention grants authorized under the Garrett Lee Smith Memorial Act. It is a simple technical correction to enable HHS to issue youth suicide grants to States this year. It has no cost. It has been cleared by the authorizers on both sides of the aisle, and we are prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3339) was agreed to.

Mr. HARKIN. 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. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I thought I might take this bit of lag time on the floor while we are waiting for Senators to offer amendments—which I hope will happen, if there are amendments; I am not trying to encourage any. I am saying if there are

amendments, Members should come and offer them because now is a good time—to talk about the bill and what this debate is all about, why this bill is so important. I say that because the President yesterday sent down his policy statement and said he was going to veto the bill because it spends too much money, that it has to stay within his constraints.

I want to make it clear, we stay within our budget, the budget we have, and we have a pay-go budget. We are not adding anything new this year. We are severely constraining spending to get out of the deficit hole. I want to compare this bill, what we have done on a bipartisan basis—this appropriations bill passed our committee 26 to 3, strong bipartisan support in the subcommittee and full committee—with the President's budget so that Senators who are thinking of how they are going to vote on this appropriations bill might have a clearer picture. What would happen if we did what the President asked, if we just approved the President's budget instead of the bill before us? What I want to do is go through it.

You can tell a lot about a person's priorities on how they spend their money. This bill provides a modest increase in programs that help people, especially Americans at the bottom rungs of the ladder. It helps them to lead meaningful, safe, and productive lives. The President wants to cut those programs. He says we are spending too much for education, for medical research, for job training. Again, look at the amount of money we are talking about. The Senate bill is about $11 billion higher than the President's budget. That is about 1 month in Iraq; we are talking about a full year—1 month in Iraq versus 1 full year for education, health, job retraining, all the other items.

Compared to last year, our Senate bill invests $7.3 billion more than last year on education, health, and labor programs. Again, as part of our balanced budget plan, we are within our budget constraints. The President's budget would cut $3.5 billion from these programs from last year. At the same time, he wants to spend up to almost $10 billion a month in Iraq.

Again, let's look at some of the programs we are talking about; for example, helping the poor. Two of the most important programs in the bill are the community services block grants and the social services block grants. States get to use these funds in a wide variety of ways to help some of our most disadvantaged citizens. The Senate bill provides $2.4 billion for these two block grants. The President's budget requested a 50-percent cut in these two programs, a 50-percent cut from last year to $1.2 billion. So again, when we are talking about programs that help lift people up, we are at $2.4 billion; the President says he wants to cut it in half to $1.2 billion. That is one clear difference in the President's budget and in what we offer.

Let's look at medical research. The Senate bill provides another $1 billion for the National Institutes of Health. That is about a 3.5-percent increase, and that does not even keep up with biomedical inflation. Our bill would increase the number of new research grants by about 400. What does the President's budget do? It would cut NIH by $279 million. That would slash the budget by 12 percent below where we were in 2003—going backward. It would cut the number of new research grants by 800. So the President's budget would cut the number of research grants by 800; our bill would increase it by 400. Members may choose which one they would rather have—the President's budget or the Senate bill.

Let's look at special education. Three decades ago, when we passed the Individuals with Disabilities Education Act, we said to the States: Our goal is for the Federal Government to provide up to 40 percent of the additional cost of mainstreaming kids, getting kids into school rather than warehousing them in State institutions or not even giving them an education. We opened the door for kids with disabilities to go to school. But we said our goal was to get up to 40 percent of this additional cost. That was 30 years ago. What has happened? I can say that time after time we have had a number of votes on the Senate floor, usually a sense-of-the-Senate resolution saying that we have to put more money for special education, we have to get up to that 40 percent. The Senate bill increases the State grants by $450 million to help them meet the needs of the additional cost of educating kids with disabilities. The President's budget slashes $291 million from special education.

What is not on this chart is that is going backward. The high point we had was in 2006. In 2006, the Federal Government's percentage of the additional cost was about 18 percent. Last year, it went down to 17 percent. Under the President's budget, it would go to 16 percent. This means a lot to our local schools because if we don't put the money in, there is only one way they can get it, and that is usually through local property taxes which are unfair in most cases.

Again, what we are trying to do is to meet our goal, our obligation, what we said 30 years ago. We put in $450 million, and the President wants to cut it by $291 million.

Let's look at another program, Head Start, a popular program, one of the great society programs started by Lyndon Johnson. We always hear about how the Great Society failed. No, it didn't. I am sorry. It did not. Here is one of the great examples of the successes of the Great Society; that is, the Head Start Program. We have a lot of data over the years to show that kids who went through Head Start do better in elementary school, high school. They go on to lead healthier and more productive lives.

In our bill, we expand Head Start services with an increase of $200 million. The President's budget cuts Head Start by $100 million, which would leave thousands of children behind. The President's budget would result in a cut of over 30,000 slots for children in Head Start Programs. Again, the President's budget goes backward. We are moving ahead.

Let's look at community health centers. One of the things I had always said is that I agreed with President Bush about his goal of having more community health centers built and having at least one community health center in every poor district. I thought that was a laudable goal. I have been supportive of that. Again, the Senate bill increases the Community Health Centers Program by $250 million. The President neglects the uninsured, people with limited health care access. He just says: Keep it where it is, no increase whatsoever. Yet we know we need to not only open new community health centers—a lot of them are backed up. People want to open new ones, plus the ones that are open, because of the increased cost of health services. Medical devices, equipment, and all that have higher expenditures as well. We need to make sure we keep up with funding of community health centers that are open.

We are also expanding dental services. One of the most important parts of community health centers we have found in the last several years—maybe decade, decade and a half—is the importance of dental care for kids. We have begun to add more and more dental services to our community health centers, which has helped a lot of families who otherwise cannot afford dental care for their children. That requires some extra money as well. We have responded to that by putting in $250 million. The President keeps it exactly where it is.

Ours would increase the Community Health Centers Program from $1.99 billion to $2.2 billion. The President says: Leave it where it is and leave a lot of low-income Americans who are uninsured without any access to community health centers.

Another provision in our bill is the home energy assistance program, otherwise known as LIHEAP, the Low Income Home Energy Assistance Program. It is a very successful program. The Senate bill maintains funding. We should have had an increase, but we are in a budget crunch. We couldn't get an increase for it, but at least we held the line. We know energy costs are higher now than they have ever been. What does the President's budget do? It cuts LIHEAP by $379 billion despite record-high energy prices. The President's budget would reduce the number of families receiving this assistance by 1.1 million. Again, these are the very low income, in many cases low-income elderly who we know are cutting back on their food, on medicine, and other things to be able to pay heating bills in the wintertime.

Another issue that is of importance to all of us is Social Security.

As I said earlier, we know—every Senator knows; and you can check with your State offices, and they will tell you—the caseload for people whose disability claims have not been acted on has a backlog of several months, a year, a year and a half, in trying to get their disability claims approved. Right now, it takes 1½ years—1½ years—to process a hearing request. In the year 2000, it was 200 days. It was 200 days, and now it is a year and a half. The disability claims backlog is about 660,000. That is about a 100,000 increase since 2006.

Recognizing this, we have put a $426 million increase into Social Security for hiring more people, to accelerate the hearings decisions, and to try to reduce that disability backlog we have now of 660,000.

The President's budget only put in enough money—$300 million—that would allow no hiring, despite the lowest staffing level since 1972. With the baby boom generation hitting the disability-prone years and closing in on retirement, the President's budget would add almost 100,000 disability claims to the backlog, so we have put in $426 million to reduce that backlog.

Student aid, which is another big part of our bill: The gap between the cost of a 4-year public college and the maximum Pell grant has increased by over $3,000 since 2002. We increased the amount of money for Pell grants to $4,800 to help alleviate that problem. The President's budget falls short of that by almost $300, bringing it to $4,540—again, very short of the amount needed to offset the cost of higher tuition.

On competitiveness, there are 7 million unemployed and millions more not working and not looking, as employers move jobs overseas. They hire foreign workers to fill jobs. Well, the Senate bill provides $4.8 billion for job training, and career and technical education programs to enhance the competitiveness of our workforce.

What does the President's budget do? It undermines U.S. competitiveness with a $1 billion cut—a $1 billion cut—in job training, a 50-percent cut in career and technical education programs. Almost 8 million high school and college students could see career and technical education courses disappear because of the President's cuts.

That is not all that is in our bill. There is more, but I thought this kind of highlights the difference between the President's budget and what we are trying to do in this bill, keeping in mind, again, that our bill is a little over $7 billion more than last year—hardly an inflationary increase. We have kept within our budget, within our pay-go budget. Yet we have been able to get necessary increases, as I have outlined.

The President's budget basically says: No. Give me more money to spend in Iraq, to the tune of about $12 billion a month. We are saying we only need $11 billion for the entire year, for all the things I outlined.

I think the choice is clear. I think the choice was clear when we were in subcommittee. It passed our subcommittee unanimously. It passed the full Appropriations Committee, as I said, by a vote of 26 to 3. I think it is a good, bipartisan bill. I hope we can bring it to a close here in the next day or so.

I say to my fellow Senators, the floor is open if anyone has any amendments. As I said, I am not encouraging them, but I know there are some people who do have amendments, and I would hope they might come over and offer those amendments.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. 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. THUNE. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3333 TO AMENDMENT NO. 3325

Mr. THUNE. Mr. President, I call up amendment No. 3333.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself, Ms. STABENOW, Mr. CRAPO, and Mr. CONRAD, proposes an amendment numbered 3333 to amendment No. 3325.

Mr. THUNE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for the telehealth activities of the Health Resources and Services Administration)

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any amounts appropriated or otherwise made available under this Act to the Health Resources and Services Administration to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107–251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c–14), there shall be made available an additional $6,800,000, to (1) expand support for existing and new telehealth resource centers, including at least 1 resource center focusing on telehomecare; (2) support telehealth network grants, telehealth demonstrations, and telehomecare pilot projects; and (3) provide grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.

(b) Notwithstanding any other provision of this Act, amounts appropriated or otherwise made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $6,800,000.

Mr. THUNE. Mr. President, I rise today to offer an amendment to provide an increase in funding for the Office for the Advancement of Telehealth, under the Health Resources and Services Administration. I am pleased to say I am joined in this effort by Senators Stabenow, Crapo, and Conrad.

I have spent quite a lot of time over the last month debating how to increase access to affordable health care in this country. Opinions have ranged considerably on this topic, but for most of us the goal is the same—it is to find ways at the Federal level to make health care more affordable for our constituents back home. Many of us are also trying to bring more options to rural areas or even urban underserved areas where access to care can be challenging.

One thing that both sides of the aisle can agree on and have agreed on during my time here is on a very similar amendment, and that is increasing funding for proven technologies such as telehealth.

Telehealth is the most effective way to deliver many types of care to rural and other populations that have traditionally lacked adequate health care access. Many Americans do not live near certain specialists or they don't live near affordable specialists. This is certainly the case among many small towns in my State of South Dakota.

Telehealth bridges the gap between these patients and providers by enabling doctors and nurses to remotely care for patients, thereby raising the standards of care for underserved populations. Telehealth also increases patient and provider access to medical information and improves training of health care providers. Of course, with increased access to care and less need to travel great distances, patients and providers save money.

I wish to share with my colleagues part of a story from an article in the Platte Enterprise, a local South Dakota newspaper, and a subsequent letter to the editor back in September dealing with telehealth. There are many different medical services that can be provided over long distances through telehealth technology. The Platte Health Center in Platte, SD, already provides some medical specialties through telemedicine, including dermatology and infectious disease. Now they will also be able to provide mental health services.

According to the article: Patients can talk to and see a physician on the television screen who in turn can see and talk to them.

In a subsequent letter to the editor from a user of these types of telemedicine services, my constituent, Kris Kuipers, describes:

I recently experienced the use of telemedicine at Platte Health Center Hospital. I thought it was wonderful. One of our local nurses greeted me and explained the operating equipment. It is great because I didn't have to do a thing.

I was able to talk with my physician in Sioux Falls who was on the TV screen just like if I were talking to Dr. Jerome Bentz. It was very personable and I didn't have to drive four hours round trip.

I am very excited that we have this capability here in town and I hope more physicians will catch on to the advantages of using the telemedicine network equipment. I want to encourage you to tell your out-of-town doctors about our tele-med capabilities at the Platte Health Center Hospital. Maybe by word of mouth, other physicians will be encouraged to use this local alternative as a means of providing health care to our rural communities.

I hear from local providers and patients such as Kris Kuipers very often about the benefits of telehealth to rural communities in my State. In South Dakota, telehealth technologies are utilized by our three major hospital networks: Avera, Sanford, and Rapid City Regional. Additionally, many of the rural health clinics who serve the health care needs of some of the smallest communities in our State also utilize these technologies. These organizations touch more than 40 different communities, large and small across the State.

The Office for the Advancement of Telehealth under HRSA is the primary tool of the Federal Government to develop telehealth resources and to help local providers to develop these resources.

My amendment will provide additional funding to support existing and new telehealth resource centers, including a resource center focused specifically on telehomecare; that is, telemonitoring technologies for patients who have to have their vital signs checked in the home. These resource centers currently help assist the telehealth community in breaking down barriers to the adoption of telehealth.

Additional funding will also support telehealth network grants, pilot projects for the development of telehomecare technologies and grants to help carry out programs where health licensing boards and States come together to reduce their statutory and regulatory barriers to telehealth.

My amendment is very modest. It proposes a $6.8 million increase for the Office of the Advancement of Telehealth, or OAT, to fulfill these activities which were authorized under the Health Care Safety Net Amendments Act of 2002. With this amendment, total funding for OAT would be increased to $13.8 million.

Additionally, this amount is fully offset by a prorated reduction in the departmental management accounts of the Department of Labor, the Department of Health and Human Services, and the Department of Education.

The $6.8 million provided by my amendment, while modest, will have a significant and positive impact on almost every health activity in this wide-reaching bill. Increasing the investment in telehealth is valuable and necessary and will help save money for patients and for the Federal Government.

This is a small but important investment in the future of our Nation's health care system. I hope the $6.8 million increase, when you take it away from all of the various departments that are funded under this bill—this is a multibillion dollar bill—is inconsequential in terms of the impact that can be had by putting that $6.8 million into the advancement of telehealth in this country, making sure that more patients and more providers are able to utilize technology to meet the health care needs of people in rural and underserved areas across this country.

So I hope my colleagues will support this amendment and help us advance this very important initiative.

Mr. President, I yield back the remainder of my time, and I ask that the amendment be set aside.

The PRESIDING OFFICER (Mr. PRYOR). Without objection, it is so ordered.

Mr. THUNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. 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. HARKIN. Mr. President, I thank my colleague from South Dakota for bringing up this important program. As a neighboring State Senator, telehealth is a very important part of our State. We have seen the savings, as the Senator talked about, that can accrue from this, not only in terms of money but in saving the lives of people who live in our small towns and communities.

I have seen firsthand the benefit of telehealth by using the fiberoptic network system we have in the State of Iowa. I know of many cases where someone was in a car wreck in a small town and they didn't know whether they could leave them there in the small clinic or if they needed to be airlifted, and with telehealth and with the fiberoptic system, they were able to do some diagnoses and make the decision that, yes, the person needed to be removed immediately or, no, they didn't. So it does save a lot of money, but it also saves a lot of lives.

Again, I say to my friend from South Dakota, this program is a perfect example of how starved we have been in our account over the last few years—how starved we are in this bill. Ten years ago, telehealth received $15.8 million in this bill. Over the last 5 years, the funding has hovered between $4 million and $6.8 million. So again, I have no problems with the amendment. I hope our staffs can work together and we can work together to find an appropriate offset. I think there may be some things we can work out that will be acceptable to both sides on the offset.

So I thank the Senator from South Dakota for his interest and for offering this amendment.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I appreciate the willingness of the chairman of the subcommittee and the ranking member to work with us on this amendment. I know of his interest in this particular area of technology of health care, and I appreciate the support. Hopefully, we can figure out a way to get more money into this very important account because it does they are doing some remarkable things, and particularly in the areas the Senator from Iowa and I represent, in the rural areas of the country, and the sky is the limit in terms of what I think can be accomplished. But we have to make sure it is appropriately funded. So I thank the Senator from Iowa for being willing to help out.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3345 TO AMENDMENT NO. 3325

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 3345 to amendment No. 3325.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that the Secretary of Labor report to Congress regarding jobs lost and created as a result of the North American Free Trade Agreement, and for other purposes)

On page 12, line 8, before the period, insert the following: ''*Provided further*, That not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report regarding the impact of the North American Free Trade Agreement (in this section, referred to as the 'Agreement') on jobs in the United States. The report shall cover the period beginning on the date the Agreement entered into force with respect to the United States through December 31, 2007, and shall include on a industry-by-industry basis, the information regarding the number and type of jobs lost in the United States as a result of the agreement and the number and type of jobs created as a result of the Agreement.''.

Mr. DORGAN. Mr. President, I offer this amendment on behalf of myself, Senator BROWN, Senator STABENOW, and Senator CASEY.

Mr. President, this amendment calls for a study and a report, and I want to describe the purpose of it and why I am offering it today. It requires the Department of Labor to determine in a study and report to the Congress the number of jobs lost to the North American Free Trade Agreement and the number of jobs created due to the North American Free Trade Agreement.

Now, it is interesting. In an October 4 Wall Street Journal article, there was a story, front page, with the headline ''Republicans Grow Skeptical of Free Trade.'' Republicans grow skeptical of free trade. Actually, the story described skepticism by everybody about what is called free trade, but it was talking about the politics of it, and so the story described a poll which found that by a 2-to-1 margin Republican voters believed free trade deals have been bad for this country's economy. It turns out that the dissatisfaction with the current trade strategy is bipartisan, not just Republican.

The poll found that 59 percent of polled Republican voters agreed with this statement: Foreign trade has been bad for the U.S. economy because imports from abroad have reduced demand for American-made goods and it has cost jobs here at home and produced potentially unsafe products.

The poll also describes that all voters essentially feel this way; it is not just Republican voters. But as I indicated, it was trying to take a political look at an issue that is very important.

We are going to have a number of free trade agreements come to the floor of the Senate soon. We will have one from Peru, Colombia, Panama, and South Korea. It is interesting that the Wall Street Journal describes how the American people feel about these trade agreements. I think it is not the case that people feel trade is not important. I believe in trade, and plenty of it. I just insist that trade be fair.

I want to go back with this amendment to the North American Free Trade Agreement because that free trade agreement dates back almost—well, it is over a decade now, and we have had substantial experience with it. Those who negotiated it—and, incidentally, it was negotiated beginning under the first President Bush, concluding under President Clinton. He sent it to this Senate, and I, at that point, was one of the leaders waging a fight against it. But when it was debated in Congress, it was alleged by economists and virtually everybody that it would result in the creation of 200,000 new jobs for our country. If we would pass this new trade agreement, 200,000 jobs would be created in our country.

Well, what has happened with the trade agreement? Let me describe what has happened, and I will describe it in a way that the administration and the Commerce Department and Labor Department would describe it. They would say what an unbelievable success this trade agreement has been. How on Earth would you be critical of a trade agreement that has increased our exports from the United States to Mexico? It has increased our exports to Mexico. And it has. It sure has. But it has increased our imports from Mexico much, much, much more. What started prior to the North American Free Trade Agreement as a $1.5 billion surplus with Mexico—a trade surplus with Mexico—has now become nearly a $60 billion, close to $70 billion trade deficit. So it's a trade surplus converted to a big trade deficit.

Now, I didn't take a lot of higher math, but I understand if you turn a trade surplus into a big trade deficit, that is not a positive outcome for your country. That is a negative approach, and it means lost jobs. It means you are going to have to repay that trade debt with a lower standard of living someday.

In fact, the proponents of NAFTA some years ago relied on a study by Gary Clyde Hufbauer and Jeffrey Schott. It was called the Hufbauer/Schott, and it was the one cited by everybody. They actually said it is going to create 170,000 new jobs in our country—net new jobs. That was rounded up by the proponents to 200,000. That was going to be nirvana. We would pass this trade agreement and get 200,000 net new jobs. That was how it would work. Except that we passed it and we went from a $1.5 billion trade surplus with Mexico to a nearly $70 billion trade deficit. Now, that is headed in the wrong direction, and that means lost jobs.

I took a look at this, and I asked some while ago, 10 years after NAFTA had been approved, to commission a study from the Congressional Research Service to identify the top 100 American companies that had laid off U.S. workers as a result of NAFTA between 1994 and 2002, and here is the list of the top 100 companies. The list totals about 412,000 U.S. jobs that have been certified as lost. Now, this is not some speculation. This is a program at the Department of Labor that a company has to actually certify to in order to get some help for their employees—trade adjustment assistance. They certify that because of NAFTA these jobs are gone.

The Congressional Research Service turned to the Department of Labor, which has this program, and they said: Can you give us this information? They gave us the information. This means we can directly attribute these job losses to NAFTA, because that is the certification. Of the roughly 412,000 jobs that have been certified, actually of the top 100 companies, 201,000 jobs are attributable to these 100 names.

But if you look at the companies, it is very interesting. Levi Strauss is No. 2. Levi Strauss. I mean, you know, slip on a pair of Levis. Anything more all American than putting on a pair of Levis? There is not one pair of Levis made in the United States of America, not one. We passed NAFTA and Levis go south. We still wear them, all right. They are just shipped north so we can slip them on. So Levi Strauss: 15,676 people, some were proud, I bet, going to work in the morning to make a pair of Levis. But no more. I understand there is not one pair of Levis made in America.

Kraft Foods. Kraft Foods is on the list. Kraft Foods decided they were going to shut down their cookie plant in Fair Lawn, NJ. They made Fig Newton cookies. So they moved Fig Newton cookies to Monterrey, Mexico, and 955 jobs were certified as lost. Fig Newton. Now, I don't know whether there is some inherent capability in Mexico to shovel fig paste in a more expeditious manner than exists in New Jersey. I doubt it. My guess is, just as Levi went south in search of cheap labor, so too did Fig Newton cookies.

So the next time somebody says let's go out and buy some Mexican food, buy Fig Newton cookies. They left New Jersey and ended up in Monterrey, Mexico. Mexican food.

What about Fruit of the Loom underwear? We all understand it; some wear it. Fruit of the Loom underwear—5,352 workers in Texas were certified and thousands more in Louisiana were certified to the Labor Department as having lost their jobs due to NAFTA. Actually, when that happened it was pretty big news around the country, because Fruit of the Loom laid off a lot of people, and I came to the floor and said: It is one thing to lose your shirt—and then I stopped, because I realized we shouldn't joke about jobs lost with Fruit of the Loom.

But these were people who made underwear—probably, I am sure, very proud of their jobs. They probably worked for a career. Is there no market for underwear any more? People stopped wearing them? I don't think so. The underwear is made, it is just not made in America. Fruit of the Loom is gone, and it was certified to have gone and the jobs are lost.

Mattel's western Kentucky plant, making Barbie playhouses and battery-powered pickup trucks for nearly 30 years, 980 employees went from a job in Kentucky to being unemployed. The plant went to Mexico to produce Mattel toys.

John Deere, 1150 employees, lawn mowers and chain saws, jobs gone to Mexico.

Well, all of these are just numbers. You know, you could pick any one of them. Nokia, 1,980. Make it 1,979 and talk about the person, the one person who came home one night and said: Honey, I lost my job. They called me in and they told me my job was gone. Well, was it because you weren't a good employee? No, I am a good employee. They just said we are moving the jobs to Mexico.

I have described other cases on the floor of the Senate of American workers who worked for careers and were making $11 an hour plus benefits. They all got fired in search of cheaper labor

by a company that moved their jobs. In that case, the jobs went to China. But the reason I told the story previously is that all of those workers who lost their jobs because they made $11 an hour—and that was way too much money—on the last day of work, as they pulled out of their driving spaces in the parking lot where their car used to park at a job they cared about, they all left a pair of empty shoes. It was a plaintive way for the employees of that company to send a message to the owners of that company who shipped their jobs overseas. It was a way of saying: You can move our jobs to China, but, by God, you are not going to fill our shoes. It was a message from the employees who cared about their jobs and cared about their work.

Well, Hufbauer/Schott and all the others who gave us those hifalutin estimates of new jobs with NAFTA, they said: By the way, there will be some jobs that will move south. But they will be low-skilled, low-wage jobs. But don't worry.

Well, guess what. The three largest imports to the United States today from Mexico are automobiles, automobile parts, and electronics, all the product of high-skilled jobs. Now, that is completely at odds with what was represented to the Congress and the American people.

I started this by saying the Wall Street Journal does a front-page feature story saying that Republicans don't believe free trade has been good for our country. They were doing a political story. But they needn't have said Republicans. Actually, the American people don't believe the so-called free trade agreements have been good for our country. Why is that? Because they are the ones who know. They are the ones who know, not the economists, not the folks who put on three-piece blue suits and suspenders every day and puff about what is going on in the world. It is the people who are working who lose their jobs and are facing downward pressure on income from these kinds of trade agreements.

Now, I am not suggesting, and would not ever suggest, that we shouldn't trade. I believe we ought to trade. I believe trade is important, and plenty of it. I just insist that it be fair. Whether it is Mexico, or China—the bilateral agreement with China—or South Korea or any number of trade agreements, I can point to the examples of what has happened that undermines the support of the American people for these agreements. Let me give you a couple.

South Korea. There is an agreement coming to the Senate Chamber dealing with South Korea. We have done other trade agreements with South Korea, and they have never met the commitments they made in those agreements, but nonetheless, an agreement with South Korea. Well, South Korea last year sent us roughly 700,000 automobiles. They put them on ships, sailed them across the ocean, and they offloaded them onto American docks and put them for sale in this country. We were able to sell about 5,000 vehicles in South Korea.

So 700,000 one way, 5,000 the other way. Why? Is that consumer preference? It is because in Korea 99 percent of the cars on Korean roads are made in Korea, and that is the way they want it. They do not want American cars sold in Korea. They have all kinds of devices to keep them out. We open our market. One-way trade. The American people understand that, and they do not support that.

I am going to mention one other thing. I have mentioned the bilateral agreement with China, with whom we have a giant trade deficit—$230 billion a year trade deficit. Not many people know that in the latest bilateral agreement with China—a country that is ramping up a very significant powerful automobile export industry. You will see Chinese cars on the streets in this country soon. They are aggressively ramping up an automobile export industry. Here is what our country decided to do with a country with which we have a very large deficit. We said to China: When you export your cars to the United States, we will impose a 2.5 percent tariff on cars you sell here, and it is okay for you, on any American cars we sell in China, to impose a tariff 10 times higher, at 25 percent. That is what we said to China.

That is unbelievably ignorant of our own economic interests. Is it surprising the Wall Street Journal does a poll that says the American people don't believe in this nonsense? They are living it. They lose their jobs. There is not one person in the Congress who has lost his or her job due to a bad trade agreement. It is the other folks out there who go to work in the morning and care about their job, who are doing the best they can and are told, by the way, you have to compete with Monterrey, or Chihuahua, or someone in Shenzhen, or Beijing who is willing to work for 30 cents an hour. And if you can't compete with them, we are sorry.

The result has been downward pressure on wages, fewer benefits, and problems for American workers. That is a very long description of why I wanted to offer an amendment. Finally, at long last, I wish to see a real evaluation done of what has been the net result of NAFTA, because we still have these folks running around here saying NAFTA has been a great success. I mean, I don't know if they are on their feet when they look at something and say it is successful or not, but you cannot take a sober look at this and say it is successful. Exports have grown, yes, but imports have grown much faster. The evidence is here. We have roughly 412,000 jobs that have been certified as having been lost to Mexico, certified by the Department of Labor as having been lost, because of the trade agreement—or at least been lost from the time the trade agreement was negotiated.

What I have asked for is a study, a real study to determine the number and types of jobs lost due to NAFTA and the number and types of jobs created due to NAFTA.

One final point. This administration has no problem figuring out how great trade deals will be for other countries. In fact, Wendy Cutler, Assistant U.S. Trade Representative, was touting the benefits that our trade agreement with Korea would offer to Korea. Let me quote her:

> An FTA with the United States is predicted to produce economic benefits for the Korean economy, increasing Korea's real GDP by as much as 2 percent, establishing a foundation to achieve per capita income to as high as $30,000, boosting exports to the United States by 15 percent, and creating 100,000 new jobs.

That is what the USTR is saying, here is the nirvana that is going to exist if we can simply do this trade agreement: Here is what is going to exist for Korea.

Ask them, what will exist for our country? What will be the consequences for our country? What are the comparable numbers for the United States? They make no similar projection.

In fact, the Korean agreement comes to us now, not having addressed the issue of the imbalance in the bilateral automobile trade with Korea.

Anyway, it is a case where I hope, perhaps, repetition will someday breed success. It is a case where I believe we should trade. I believe our country should be a leader in trade. I believe our leadership ought to say we aspire to lift others up in the world, not push our workers down. We spent 100 years creating standards—safe workplace, child labor law, minimum wage, a whole series of standards that we ought to be proud of.

I believe in our trade agreements we ought to aspire to lift others up rather than push ourselves down, push our standards down. That has regrettably not been the case with NAFTA. It has not been the case with a number of other trade agreements and will likely not be the case with the next four agreements that will be brought to the Senate.

My colleagues and I, several of us, will be proposing establishing benchmarks and accountability at long last attached to trade agreements. We ought to have benchmarks and some accountability attached to those benchmarks to find out what has happened. You can't go on forever with a bad trade agreement. You can't go on forever with one that doesn't work. When we are awash in debt, as we are, over $700 billion a year in trade deficit—which inevitably will be repaid with a lower standard of living in the United States—then we are headed for trouble. We need a better trade strategy, one that encourages trade but one that demands and insists on fair trade for our own economic interests.

I yield the floor.

Mr. HARKIN. Mr. President, I thank Senator DORGAN for his many years

championing the cause of our skilled workers in this country, championing the cause of manufacturing in this country. He warned us a long time ago about what NAFTA was going to do. Frankly, his dire predictions have turned out, unfortunately, to be true. When Senator DORGAN speaks about NAFTA, or any trade agreement, and the impact on jobs in this country, it would do us well to pay attention.

There is no one I know who knows more about this area than Senator DORGAN. His amendment, I say to him, is one I can fully support. I hope all Members of the Senate could support it. As he said, it requires the Department of Labor to provide Congress with a fuller picture of the impact of the NAFTA agreement.

Frankly, this is key information we ought to have anyway so we can understand the changes to our economy that have occurred since NAFTA has passed. Again, I thank him for it. This has been a key issue in my State of Iowa.

I say to my friend from North Dakota, I remember all the speeches he used to give about Huffy bicycles and now talking about Levis. What could be more American than that?

I might say something equally as American as that is the Maytag washing machine. The Maytag washing machine, what could be more American than that Maytag repairman who never had anything to do because the Maytag washers and dryers were so good?

We have always taken great pride in Iowa that Iowa was the home of the Maytag, has been since the beginning, since Fred Maytag started his business in Newton, IA. I hate to tell you, but your Maytag washers are now coming from Mexico. All these great jobs we had, and these were good-paying jobs. A lot of people in the past worked at Maytag. It was part of their community. They built good schools, educated their kids, the kids went on. Some of the kids grew up and they then went to work at Maytag. It was a wonderful community, a wonderful business. They had great relations with organized labor there.

To make a long story short, Whirlpool came in, bought out Maytag, shipped all the jobs to Mexico. Now all those jobs are missing in Iowa. What do we do? We scramble to get some retraining, some job retraining and things such as that. But the jobs the people are getting are much lower paid jobs. They are not as good, and all the manufacturing jobs are now in Mexico.

Of course, maybe I am being a little chauvinistic because it was such an Iowa institution, Maytag, and to think they are not making them there anymore, they are gone.

Mr. DORGAN. The town of Bryan, OH, was enormously proud of its product. It was the product that defined Bryan, OH. It was Etch A Sketch; every little kid played with Etch A Sketch. The folks in Bryan, OH, made Etch A Sketch and every kid played with them. Etch A Sketch is gone. They couldn't compete with China. And the Radio Flyer Little Red Wagon was made in Chicago for 110 years. It was made by an immigrant who started the company. Why was it called Radio Flyer, the Little Red Wagon? This immigrant was fascinated with two things. He liked Marconi, so he named it Radio, and he loved airplanes. So he decided to name it, the Little Red Wagon he crafted in Chicago, IL, as Radio Flyer, and virtually every kid in this country has ridden on Radio Flyer wagons.

Mr. HARKIN. I did myself when I was a kid.

Mr. DORGAN. They were here for 110 years but no more. Now they are made in China. We could go on at some length. Some people will say: Don't you understand, you two, the world has changed, for God's sake, the world has changed and they are going to make these things where you can pay 20 or 30 cents an hour.

My question to them is this: If that is where the jobs are, who is going to buy the products? In this country, it seems we built standards for a century to provide good wages and working conditions for the American worker and that is what provided the income and development and expansion of the middle class and gave them the earning power to buy products. I know the Senator agrees with me. He agrees with trade.

We come from agricultural States. We need to find a foreign market for what we produce, but trade has to be fair.

Mr. HARKIN. We represent agricultural States, but we always had a good blend of manufacturing and agriculture. One of the well-kept secrets is that Iowa at one time had more foundries than any other State in the Nation, small foundries. People made things in these foundries. Those jobs have left now. Now with Maytag leaving, it is eroding our manufacturing base.

We need a good industrial policy. We need a manufacturing policy for this country. We don't have one. We need a good industrial policy for this country. We don't have one. If we do not have some kind of an industrial policy and some policy that says here is the kind of manufacturing base we are going to keep, we are going to protect—protect? I don't mind using the word ''protect.'' We are protecting our people. If we are going to have a manufacturing base that protects us in the area of national security, so we have the manufacturing wherewithal to take the raw materials and make them into items that our people need but which will provide us with that bulwark for the future against the possibility of other countries cutting us off or making trade sanctions against us—we need to have that policy.

We don't have it. If we don't have it pretty soon, we are not going to be making anything in this country. We are not going to be making anything. We are going to be shuffling money around, that is all we are going to be doing. That is not what makes a great country, and it is not what is going to sustain us, if all we are going to do is shuffle money around.

I thank the Senator. He has been a great leader in this area. We are going to do something. We don't have an agreement yet to accept it. I can tell the Senator I am going to work hard to make sure we get an acceptance of his amendment. I thank him for it.

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.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3347 TO AMENDMENT NO. 3325

Mr. MENENDEZ. Madam President, I ask unanimous consent to set aside the pending amendments so I can offer an amendment that has been sent to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ] proposes an amendment numbered 3347 to amendment No. 3325.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funding for the activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005)

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any other amounts appropriated or otherwise made available under this Act, $15,000,000 shall be available to carry out activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005 (Public Law 109–18).

(b) Notwithstanding any other provision of this Act, the amount made available under this Act for the Reading First State Grants program under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.), as specified in the committee report of the Senate accompanying this Act, shall be reduced by $15,000,000.

Mr. MENENDEZ. Madam President, first I wish to thank Senator HARKIN for his leadership on this bill, as well as the ranking Republican, and his strong support of what I am trying to do here, which is to fund the Patient Navigator Program.

The amendment provides $15 million for initial implementation of the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005. This

act creates a 5-year, $25 million demonstration program within the Health Resources and Services Administration for patient navigator services through community health centers, National Cancer Institute centers, Indian Health Service centers, and rural health clinics, as well as hospitals, academic health centers, and certain nonprofit entities that enter into partnerships to provide patient navigator services.

This funding is the culmination of years of bipartisan and bicameral compromise. I was then, at the time, in the House of Representatives, a sponsor with Congresswoman DEBORAH PRYCE from Ohio. Here in the Senate, Senators HUTCHISON and BINGAMAN were champions of this legislation. It passed by unanimous consent in the Senate, and President Bush signed it into law in 2005. The Labor-HHS Subcommittee provided funding last year, but unfortunately that did not make it into the final bill.

This Patient Navigator and Chronic Disease Prevention Act and the patient navigators that are called for in the bill have strong grassroots support from organizations such as the American Cancer Society. Actually, it was our work with the American Cancer Society that at the time had it as its No. 1 or No. 2 top legislative initiative. So we got the bill passed into law, but we haven't been able to fund it yet. It also has the support of the National Association of Community Health Centers, the National Rural Health Association, the American Diabetes Association, the American Medical Association, the Intercultural Cancer Council, the National Alliance for Hispanic Health, the National Hispanic Medical Association, the National Patient Advocate Foundation, and many others.

The goal of a patient navigator is to improve health outcomes by helping patients, including patients in underserved communities, to overcome barriers they face in getting early screening and appropriate followup treatment.

Patient navigators benefit people across the country, from all walks of life, regardless of class, location, culture, or language, and navigators help get people into a health care provider for preventive screenings and help them navigate our complex health care system if an abnormality is detected. They conduct year-round outreach into underserved communities so people are aware of the importance of early detection and screening. They help them find followup testing and treatment. They stay with them throughout the process to make sure they get to that next doctor's appointment and they get early treatment. This is a small investment with huge benefits, benefits in terms of lives and dollars saved.

I was fortunate enough, in the House of Representatives, when I served there, to actually get some pilot projects of patient navigators in what was my former congressional district in New Jersey. It replicated two very successful programs that were the forerunners of this idea—Dr. Harold Freeman in Harlem Hospital, who works with the American Cancer Society, and here in Washington, DC, at the Washington Cancer Center, Dr. Elmer Huerta, who had a different variation on it, but both of them created patient navigation, the effort to bring individuals into a preventive setting, and in doing so, help them navigate. We took that example and we brought it to my home State of New Jersey.

What we did is, at one of the family health centers, we found ourselves significantly bringing in people into a preventive setting. We found a fair number of individuals who had abnormalities, and because of the screening we put them through, we detected their abnormalities. Then, through the patient navigator, we navigated them through the health care system in a way that we saved lives and we saved an enormous amount of money from people whom we caught early in their illness, particularly cancer-related, and whom we ultimately were able to not only save their lives but at an enormous cost of having individuals not wait longer in the process and end up, at the end of the day, in an emergency room with far greater costs.

So this is a small investment with huge benefits, benefits in terms of lives and dollars saved. By getting people in to see a doctor before symptoms develop, we can catch diseases such as cancer or diabetes early. Then we can get patients into treatment early, which means they will have a better chance of survival, and the health care costs will be lower.

This is a win-win proposition which has strong bipartisan support in the House and Senate, signed by the President. We are just simply looking to get it funded. We look forward to working with the chair of the subcommittee, Senator HARKIN, and the ranking member to get it accepted. We think we have an appropriate offset, but at the same time, we are open to others as well in order to achieve this goal.

Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. MENENDEZ. Madam President, on October 11, we marked the fifth anniversary of Congress's capitulation to the resolution authorizing the war in Iraq. I believe we should take this opportunity to tally up what this war has cost our Nation.

We are all very aware of the human cost. More Americans have died in Iraq than died on September 11. These are our friends and neighbors, fathers and mothers, sons and daughters, gone forever. Twenty-eight thousand men and women have come back home wounded, some with their legs or arms blown off by bombs, some blind from shrapnel in their eyes, some thrown into a state of mental shock from which they will never fully recover.

As for the Iraqi men, women, and children who have died in this conflict, we cannot even say. Some estimates say the body count is more than 100,000. As for the people who have been forced to abandon their homes, they are about to number 4½ million, a disproportionate number of them being children.

We all know that the Iraq war is a human calamity of vast proportions. It can be harder to visualize the direct damage that comes from the financial cost of the war, to see it as the cancer that it is, making our debt metastasize, threatening our budget, eating away at the financial stability of our entire Nation.

We are paying for this war with borrowed money, racking up massive debt, severely threatening the future of our country. We know our country has spent more than $450 billion on this war so far. We continue to spend about $10 billion every month. That does not just add up to a stack of bills that could have sat in the Treasury; it is equipment at ports that can scan for nuclear weapons and other measures that actually make the homeland more secure. It is children healed with better health care. It is more teachers in our schools, better training for our jobs, energy that is clean and does not strengthen repressive regimes in the Middle East, payment of our debts so future generations will inherit a country that is financially viable. Those are casualties we cannot fail to count.

When our money gets burned in Iraq, we deserve to know what we are trading away. What we are trading away cannot be summed up in one speech, however, so I will be coming back to the subject as many times as necessary to give each sacrifice fair attention.

When we add it all up, the bottom line is very clear: If we had never gone into Iraq, our lives would be better. The sooner we get out of Iraq, the better our lives will be. I will repeat this until our troops have come home. If we had never gone into Iraq, our lives would be better, and the sooner we transition out of Iraq, the better our lives will be.

Today, I wish to speak about what the failed war in Iraq has cost us in terms of our security here at home. The Bush administration likes to parrot the line that:

> We are fighting them over there, so we do not have to fight them here.

Nevermind that the war has created more terrorists than there were before. Beyond that, it has directed funding away from programs that actually would prevent terrorists from attacking the homeland. The administration's budget for the failed war in Iraq is 13 times this year's budget for Homeland Security—13 times this year's budget for Homeland Security. Do we really think the Iraq war is 13 times more important to America than the Department of Homeland Security's mission? When it comes to our money, the administration's motto really is:

We are spending it over there, so we do not have to spend it here.

Every time we ride the subway or the bus, we put ourselves at risk because our public transportation systems are unnecessarily vulnerable to terrorist attacks. The American Public Transportation Association estimates that it will cost $6 billion to make them substantially more secure. That includes funding for personnel, training, communications systems, cameras, detection systems. Well, we spend that much—that is, $6 billion that the Public Transportation Association says would make us safer—we spend that much in Iraq every 18 days. Every 18 days. That is what the war costs. Security on public transportation versus 18 days in Iraq—what is our choice?

Money being spent in Iraq could have substantially improved security in our Nation's ports, where 95 percent of the cargo slips into the country without any inspection whatsoever. For the cost of 3 days of operations in Iraq, we could fund a year's worth, a year's worth of strong port security initiatives throughout our country—purchasing radiation detectors, giving individual grants tailored to the specific needs of each port, and drastically increasing the number of containers screened.

Here is an example. There is something called a container security device. It attaches to the hinges of a container and lets inspectors at ports know if the container has been tampered with from the port it came from. They cost about $25 each. You could provide a device for every one of the 11 million-plus containers that enter our ports every year for the same money it costs us to be in Iraq for 1 single day. We could take 11 million containers that enter our ports every year and for 1 single day in Iraq make our country more secure. That is what the war costs—electronic security for every container entering the United States versus 1 day in Iraq.

As we have considered the Commerce-Justice-Science appropriations bill that we passed yesterday, it is as good a time as any to discuss how funding for the Iraq war impacts local police departments here at home. With the billions of dollars going toward a failed effort to secure the streets of Baghdad, we could boost our efforts to fight terror and violence of gangs on the streets of the neighborhoods we call home.

The FBI tells us that crime rates are going up in the United States. This is no coincidence considering the Bush administration has repeatedly cut funding for hiring new police, law enforcement technology, and successful prevention programs.

Luckily, this Senate under Democratic leadership has changed that course. We are taking action to reverse that situation. I was proud to cosponsor Senator BIDEN's amendment to boost funding for the COPS Program, one of the most successful Federal crime prevention programs in history. Eight hours of Iraq funding pays for that amendment to put community police officers on the streets of our Nation. That is the war cost—more police on the streets versus 8 hours of spending in Iraq. When it comes to our money, the message the administration is sending is clear. We are spending it over there so we don't spend it here. But in terms of security, if we had never gone into Iraq, our lives would be better. The sooner we transition out of Iraq, the better our lives will be.

Costs of the war for the United States are going only to escalate as Great Britain withdraws its troops. So the financial question we have to answer as a nation is as urgent as any we have ever faced. We have to decide what we value as a Nation: the war or keeping our country safe. These are the questions we are going to continue to ask to put a real sense of what it is costing us here at home in real terms. Today was about security. We will come back to the Senate floor and talk about education and health care and economic expansion and reducing debt, because we have to offer a real sense to the American people of what this war is costing us here at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 3332 TO AMENDMENT NO. 3325

Mrs. MCCASKILL. Madam President, I ask unanimous consent that the pending amendment to be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MCCASKILL. Madam President, I call up amendment No. 3332.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mrs. MCCASKILL], for herself and Mr. DEMINT, proposes an amendment numbered 3332.

Mrs. MCCASKILL. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Departments to establish and maintain on their website home pages a direct link to the websites of their Inspectors General and for other purposes)

At the appropriate place, insert the following:

SEC. ____. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

Mrs. MCCASKILL. I ask unanimous consent to add Senator DEMINT as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MCCASKILL. Madam President, we have successfully added this amendment to all appropriations bills to date. It is a very simple amendment. It requires the Departments under this bill to maintain a direct link to the agency's inspector general Web site, on the home page of his or her department's Web site. It requires this direct link because the information the inspector general provides to the public needs to be easily available. They are the eyes and ears of the taxpayers in many ways. They are on the front lines in terms of waste, fraud, and abuse. They provide a valuable service. In many departments, one can't find the information. This amendment will require that on the home page of the Web sites of the Departments of Education, Labor Health and Human Services, there be a direct link to the inspector general of that Department's Web site so taxpayers, Members of Congress, and members of the executive branch can easily find the important information that is provided by the inspector general's office.

I urge passage of the amendment.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I thank the Senator from Missouri for offering this amendment. It is a good amendment. I have checked with Senator SPECTER on our side, and it is OK on that side. It is OK with us. We will accept the amendment.

Before doing so, I will again say to my friend from Missouri that in this bill we have increased funding above the President's budget for all the inspector generals in all the departments this bill covers. Basically opening it up, as her amendment does, allows more people access to what the inspector generals are doing. Hopefully we can continue to try to maintain the integrity and independence of the inspector generals. Some of them are perhaps being pressured by the administration to do certain things. But we want to maintain that integrity and the independence of the inspector generals. This amendment will help to do that.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3332) was agreed to.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 3345

Mr. BROWN. Madam President, I rise to support the Dorgan amendment offered earlier this evening. I thank him for his amendment. I am a proud cosponsor.

The Dorgan amendment makes sense for a variety of reasons. Most importantly, we need updated and current information on what NAFTA, the North American Free Trade Agreement, which passed in November of 1993, means for our country today and, most importantly, because the North American Free Trade Agreement has become

the model, for good or bad, for trade policy since. The Central American Free Trade Agreement was built on the NAFTA model. Trade agreements Presidents asked this Congress to pass, negotiated with Peru and Colombia, Panama and South Korea, while tweaked, while having some improvements, perhaps, in the case of Peru and Panama, some significant improvements, nonetheless are based on the same failed trade model that NAFTA was based on, a trade model that entertains investor-state relations giving more authority to corporations to undercut environmental laws in our country, to undercut labor law, and to undercut the values of our society.

I wish President Bush would sit down with the steel worker in Steubenville or the machinist in Toledo or the tool and die shop owner in Lorain and talk about what these trade policies, this NAFTA model the Dorgan amendment addresses, in fact means for American workers, what they mean for American small manufacturers, what they mean for our communities, what they mean in Hamilton and Middletown and Ashtabula and Maineville, what impact that has on communities. These trade policies, which are set in Washington and negotiated across the globe, have a direct impact on Toledo, on Wauseon, on Findlay, on Bowling Green, all across our State. That is why the voters in my State and across the country sent a message loudly and clearly in November demanding a very different direction in trade policy, a trade policy that serves workers, consumers, families, and communities rather than one that serves investors, especially the wealthy in other countries and the wealthy in this country.

Working men and women in Ohio, including the machine shop owner in Akron and the factory worker in Columbus, know that job loss doesn't just affect the worker or the worker's family or the business owner. Job loss in the thousands affects communities and police, the number of police and firefighters and teachers and workers in a community and the economic vitality of that community.

What we have seen in the last few years in this country is disturbing especially in this sense. American workers all across the board, whether they are in the State of the Presiding Officer, Washington, or in Lima, OH, are more productive; whether they work with their hands or minds or whether they are a retailer or whether they are a factory owner, workers are more productive, provably, quantifiably, quantitatively way more productive than they were 5 years ago. That is a testament to our Nation's hard-working and skilled labor force. It is a testament to our job training and education system. The problem is, those workers' productivity is no longer parallel to their wages. It used to be in this country, after the war, since the 1940s, that as productivity went up, workers' wages and profits went up roughly at the same pace. But we have seen a disconnect. As productivity goes up and up because workers with their capital investments are more and more productive, we have not seen wages keep up. In a nutshell, that is because ultimately what has happened is, our Nation's workers don't share in the wealth they have created for their employers. If you are a worker and you create more wealth for your employer, you should share in the wealth. But that is not what is happening. That disconnect is more and more obvious in this country, especially in a State such as Ohio.

Some years after NAFTA passed the House and Senate and was signed into law, took effect, the agreement among Mexico and the United States and Canada, some 5 years later, at my own expense, I flew to McAllen, TX, rented a car with a couple friends, went across the border into Reynosa, Mexico. I wanted to see how NAFTA was working on the other side of the border. I knew how it was working in Lorain and Akron and Sandusky and Findlay, but I wanted to see how it worked on the other side of the border. I went to the home of two General Electric workers. They worked for GE Mexico. They lived in a 20-by-20-foot shack, dirt floors, no running water or electricity. When it rained hard, the dirt floors turned to mud. These were full-time workers, 3 miles from the United States of America, just south of the Rio Grande. These workers were working every bit as hard as any workers in the United States. But they weren't sharing in the wealth they created for their employers.

As you walked around their home, in the community behind their shack was a ditch maybe 4 feet wide, 2 by 4 across the ditch. This ditch was filled with I am not sure what, human/industrial effluent waste running through the neighborhood. The American Medical Association says along the Rio Grande River is one of most toxic places in the western hemisphere. There were children playing in the ditch contracting who knows what kind of diseases that they might pick up along this very polluted little waterway, if you could call it that. But as you walked around this neighborhood and you looked at these shacks, you could tell where the workers worked because the workers' shacks were constructed from the packing materials of the companies for which they worked. The roofs, the walls were made of cardboard boxes and other kinds of packing materials, crates where these workers worked.

Not far away from these shacks I visited an auto plant. This plant looked just like an auto plant in the United States. It was modern, maybe more modern, more up to date, the best technology. The workers were working hard. The floors were clean, all that you would want in a modern industrial plant. But there was one difference between the Mexican auto plant and an auto plant in Norwood or Toledo. The auto plant in Mexico had no parking lot because the workers there weren't paid enough to buy the cars they made. They weren't sharing in the wealth they created. You could go halfway around the world to a Motorola plant in Malaysia, and workers weren't paid enough to buy the cell phones they make. You could come back to Costa Rica and go to a Disney plant, and the workers weren't making enough to buy toys for their children. You could go halfway around the world to China and go to a Nike plant or a bicycle plant, and the workers were not making enough to buy the Nikes or the bicycles they were making, that they were building. That is the key.

In our trade policy, which has become international in this globalized economy, because of what is happening around the world and because of the way we write trade policy, workers are simply not sharing in the wealth they create. Whether it is a Mexican auto plant, a Malaysian cell phone plant, a toy plant in Costa Rica, or a shoe plant in China, the workers are not making enough to share in the wealth. The workers are not sharing in the wealth they create. That is what has happened in our country, this disconnect between productivity and wages. More than anything, that is why the middle class is shrinking. That is why the Dorgan amendment is so important to show the world, to show the country, to show us in this body what we need to do to fix our trade policy.

This trade policy hurts local business owners, not just the plant that might lay off or close, but it hurts the drugstore, the grocery store, the neighborhood restaurant. It hurts teachers and firefighters and police. It hurts the people whom the police and the firefighters and the teachers serve. When I first ran for Congress, our trade deficit was $38 billion. Today, after NAFTA and NAFTA clones, like the Central American Free Trade agreement, the WTO and PNTR with China, our trade deficit has topped $800 billion, from $38 billion in 1992 to $800 billion today. Our trade deficit with China in 1992 was barely double digits, barely $10 billion. Now it probably—for 2007, we don't know for sure—is going to exceed $250 billion. The first President Bush said a $1 billion trade surplus or deficit translates into 13,000 jobs. Whether he is right, he is close enough to be right. When you do the math, a $1 billion trade surplus or trade deficit translates into 13,000 jobs. When you do the math, you can see the kind of effect our trade policy has on us, not just with lost jobs but with what it has done to break that connection between productivity and workers' wages.

That is the story of our trade policy and why the Dorgan amendment is so important. The current system is not sustainable. We want trade. We want plenty of trade but not under this NAFTA model. We want trade under a whole new set of rules. Now is not the time for more bad trade deals.

We need to adopt the Dorgan amendment, look at what has happened with our trade policy, pause, and have a national conversation about a new direction for trade in the 21st century.

Let's wait on the passage of Peru and Panama. Let's wait on the passage of South Korea and Colombia. We need a conversation that includes all parties involved. That means investors. It means workers. It means small business owners. It means communities with people who are so affected by trade. The Dorgan amendment is a significant first step in doing that.

We should adopt the Dorgan amendment. We should pause and look at where our trade policy is going, and then we should embark in a new direction on trade in this country.

FAMILY FORUM EARMARK

Mr. VITTER. Madam President, I rise today to discuss a project I sponsored in the fiscal year 2008 Labor, Health, Human Services and Education appropriations bill. The project, which would develop a plan to promote better science-based education in Ouachita Parish by the Louisiana Family Forum, has raised concerns among some that its intention was to mandate and push creationism within the public schools. That is clearly not and never was the intent of the project, nor would it have been its effect. However, to avoid more hysterics, I would like to move the $100,000 recommended for this project by the subcommittee when the bill goes to conference committee to another Louisiana priority project funded in this bill.

Mr. HARKIN. Madam President, I appreciate the sentiments by the Senator from Louisiana and accept this proposal to move the funding for this project to other priority projects for the State of Louisiana in the bill when it goes to conference committee.

Mr. SPECTER. Madam President, I concur with my colleague and will agree to move these funds in conference committee.

Mr. BAUCUS. Madam President, since the year 2000, shortly after news reports attributed hundreds of deaths to asbestos exposure from decades of vermiculite mining in Libby, MT, I have worked hard on behalf of the people there to ensure that they received the care they needed. The Center for Asbestos Related Disease plays an important role in screening Libby residents and providing them with the health care they need as a result of this tragedy.

The people living in Libby suffer asbestos-related diseases at a rate 40 to 60 times the national average. They suffer from mesothelioma at a rate 100 times the national average. The culprit for this unprecedented tragedy is a highly toxic tremolite asbestos amphibole. Due to the shipping of Libby asbestos to processing sites in 30 States, and its subsequent use as insulation material in all parts of the country, the toxicity of this amphibole is an issue of national importance.

The Department of Health and Human Services and the Environmental Protection Agency have designated the Center for Asbestos Related Disease as a clearinghouse for information that facilitates clinical epidemiological and pathologic studies of asbestos-related diseases. This new role unfortunately comes without adequate funding to accommodate the transition to this national leadership role.

This is an issue of national concern to scientists who rely on tremolite asbestos data for their work. Support letters have been sent to Members of this body by researchers at the Mesothelioma Applied Research Foundation from California, Mount Sinai Medical School in New York, Wayne State University in Michigan, North Carolina State University, the University of Vermont, the University of Pittsburgh, the University of Pennsylvania, and Montana State University. These letters all emphasize the importance of the Libby data to the national research efforts on asbestos related disease.

That is why I submitted an amendment to the Labor, Health and Human Services, and Related Agencies Appropriations bill for fiscal year 2008. My amendment would provide $250,000 to the Center for Asbestos Related Disease in Libby, MT, so that the clinic can provide its critically important information to clinical researchers and universities across the country. The raw data and data management that the center provides for research institutions will facilitate meaningful research into amphibole asbestos toxicity and health impacts.

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 (Mr. CASEY). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. 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.

ANNA POLITKOVSKAYA

Mr. CARDIN. Mr. President, the Russian Federation is, in many respects, a democratic state. Elections are held at regular intervals, local and national elective bodies meet and pass legislation. Referenda may be held on major issues, both at the national and local level, although this exercise may be reduced in the near future.

But there is another consideration, in which the Russian Federation falls short in its democratic characterization.

Freedom of the press is vital to the existence of a stable democratic state. Journalists must be able to openly report on all issues without fear of physical harassment or economic pressures. It is no accident that Napoleon said that four newspapers were more effective than a thousand bayonets.

Therefore, it is regrettable that a number of Russian journalists have recently been murdered while reporting on subjects sensitive to the Russian government. Other have been beaten or otherwise prevented from doing their job. One recent victim was involuntarily incarcerated in a psychiatric hospital.

Among those Russian journalists who have given their lives for their profession was Anna Politkovskaya, who reported extensively on the brutal war in Russia's secessionist region of Chechnya. Last week, friends, colleagues, and supporters of this courageous woman marked the one-year anniversary of her assassination.

Politkovskaya was fearless in her efforts to bring correct and unbiased information on the Chechen war to her readers. This was a hard-earned counterpoint to the propaganda that much of the electronic media turned out daily on the conflict . . . when there was any mention of it at all. While other journalists reported on the conflict from afar, she routinely traveled to troublesome areas to view and describe first-hand the problems and issues in the war-torn region. She was one of few Russian reporters to actively engage the Chechen people in open dialogue, and she presented her findings in a fair and balanced manner. Her resume included a long list of awards and commendations for her investigative skills and professional competence.

On October 7th, 2006, Ms. Politkovskaya was carrying groceries up to her Moscow apartment when, according to authorities, a gunman clad in black fired twice, shooting her once in the head. The murderer left the weapon at her side, a brazen gesture indicating, or meant to indicate, the commission of a contract murder. The Moscow newspaper Novaya Gazeta, where Ms. Politikovskaya worked, suggested the assassin or assassins had been following her closely and probably for a long time. Indeed, she was used to being watched and harassed. Numerous threats had already been made on her life, and at one point in 2001 she was forced to flee to Vienna.

As Co-chairman of the Helsinki Commission, I would also note that Anna Politkovksya delivered memorable and compelling testimony on the conflict in Chechnya at Commission hearings on Capitol Hill in September 2003, and she was awarded the OSCE Parliamentary Assembly's annual Prize for Journalism and Democracy in that year.

Recently, several suspects were arrested in connection with the murder. However, there are disturbing reports that the investigation has been marked

by irregularities and apparent political considerations. For instance, Russian officials have been quick to assert that certain individuals and factions outside of the Russian Federation must have ordered the killing, although they have presented no credible proof. The fact is that Politkovskaya's work was extremely critical of corrupt and incompetent officials in the Russian government. At the time of her death, she had been working on a story about the torture of detainees in the jails of the pro-Moscow Chechen authorities.

The true instigator of this murder might well reside in Moscow, London, Grozny, or Murmansk. In any event, Russian President Vladimir Putin stated during a visit last week to Germany that the investigation is ''on the right track.'' Let us hope that he is correct.

And let us also remember the sacrifice and the journalistic integrity of Anna Politkovskaya and her colleagues in Russia and throughout the world, who risk life and limb every day to discern the truth and bring it to their fellow citizens.

Mr. GRASSLEY. Mr. President, I would like to comment on the status of the alternative minimum tax, AMT.

There is some good news regarding the need to do a patch to protect 19 million families. If you look back over the last few months, I have come to the floor several times to urge my friends in the Democratic leadership in both bodies to focus on this problem and get legislation ready. Earlier today, I urged the House to begin work on an AMT patch bill. I urged them to send it to the Senate so that Chairman BAUCUS and I will have a vehicle to deal with this pressing problem.

We have a few weeks to act before the IRS forms are finalized. After that time, there could be big problems for taxpayers and the Internal Revenue Service.

I was pleased to read in this afternoon's press reports that Chairman RANGEL is going to process an AMT patch bill.

I also want to commend our Finance chairman, my friend, Senator BAUCUS, for convening an informal meeting of the Finance Committee to discuss this pressing matter. I hope the Democratic leadership provides Chairman BAUCUS floor time to take up a committee bill.

On a related point, at a press event earlier today, in answer to a reporter's question, I indicated that we could look at measures to insure that certain high-income taxpayers who pay no regular income tax or AMT pay some tax. I would like to elaborate on that comment.

I have referred many times to the IRS statistic of high income taxpayers who pay no regular income tax or AMT. The statistic is that, for the tax year 2004, IRS Statistics of Income reported that 2,833 taxpayers with incomes over $200,000 paid no income tax. That same group paid no AMT as well. I will ask to have inserted in the RECORD a copy of that statistic.

The reason this group does not pay tax is defects in the AMT. What I was saying is that the AMT is defective in its original purpose. That is, to make sure that all high-income taxpayers pay some tax. I was not arguing for a tax increase on high-income taxpayers who are paying either regular income tax or AMT. I was arguing that, if anything, if the AMT's original purpose is to be served, then insure that those not paying ANY tax, pay it.

Mr. Presdient, I ask unanimous consent to have a copy of the statistic to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—RETURNS WITH AND WITHOUT U.S. INCOME TAX: NUMBER OF RETURNS, BY SIZE OF INCOME UNDER ALTERNATIVE CONCEPTS, TAX YEAR 2004

[All figures are estimates based on samples]

Returns by tax status, size of expanded income	Returns by size of adjusted gross income				
	All returns	under $50,000 [1]	$50,000 under $100,000	$100,000 under $200,000	$200,000 or more
	(1)	(2)	(3)	(4)	(5)
All returns					
Total	132,226,042	91,302,396	28,166,641	9,735,569	3,021,435
Under $50,000 [1]	90,478,783	89,700,020	767,886	8,163	2,714
$50,000 under $100,000	29,115,600	1,572,295	27,186,378	353,025	3,901
$100,000 under $200,000	9,564,057	27,792	205,880	9,279,698	50,687
$200,000 or more	3,067,602	2,289	6,497	94,683	2,964,133
Returns with U.S. income tax					
Total	90,876,672	50,767,865	27,371,775	9,718,430	3,018,602
Under $50,000 [1]	50,003,838	49,336,042	659,474	6,609	1,713
$50,000 under $100,000	28,278,142	1,413,628	26,509,632	351,123	3,759
$100,000 under $200,000	9,532,119	17,365	197,144	9,267,112	50,498
$200,000 or more	3,062,574	831	5,524	93,587	2,962,632
Returns without U.S. income tax					
Total	41,349,370	40,534,531	794,866	17,139	2,833
Under $50,000 [1]	40,474,945	40,363,978	108,411	1,555	1,001
$50,000 under $100,000	837,458	158,667	676,746	1,902	142
$100,000 under $200,000	31,938	10,428	8,736	12,586	189
$200,000 or more	5,028	1,458	973	1,096	1,501

[1] Includes returns with adjusted gross deficit or with negative expanded income.
NOTE: Detail may not add to totals because of rounding.
Source: IRS, Statistics of Income Division, June 2007.

RED RIBBON WEEK

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator MURKOWSKI, in cosponsoring a resolution commemorating Red Ribbon Week. Red Ribbon Week, celebrated October 23–31 of this year, encourages individuals, families and communities to take a stand against alcohol, tobacco and illegal drug abuse.

The tradition of Red Ribbon Week, now in its 22nd year of wearing and displaying red ribbons, started following the assassination of U.S. Drug Enforcement Agency Special Agent Enrique ''Kiki'' Camarena. In an effort to honor his memory and unite in the battle against drug crime and abuse, friends, neighbors and students from his hometown of Calexico, CA, began wearing red ribbons. Shortly thereafter, the National Family Partnership took the celebration nationwide. Since then, the Red Ribbon campaign has reached millions of children, families, and communities across the country, spreading the message about the destructive effects of drugs.

In my State of Iowa, the theme for Red Ribbon Week is ''Take a Stand—Be Drug Free.'' Schools and community groups across the State are organizing a variety of activities including pledges, contests, workshops, rallies, theatrical and musical performances and other family and educational events. These events are all designed to educate our children on the negative effects of drugs and to promote a drug-free environment.

Research tells us that the longer a child stays drug-free, the less likely they will become addicted or even try illegal drugs. This is why it is so important to maintain a coherent anti-drug message that begins early in adolescence and continues throughout the growing years. Such an effort must involve parents, communities and young people. Red Ribbon Week provides each of us the opportunity to take a stand by helping our children make the right decisions when it comes to drugs.

In light of the growing epidemic of prescription drug and cold medicine abuse throughout the Nation, this year's Red Ribbon Week holds greater importance. I thank my colleagues for

passing this resolution to demonstrate our commitment to raising awareness about drugs and encourage everyone to make healthy choices.

VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I was unable to be present for a series of votes yesterday in relation to H.R. 3093, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008. I ask that the RECORD reflect that I would have voted in the following manner on each of these votes since my votes would not have affected the outcome of any of the votes:

On rollcall vote 366, the Ensign amendment No. 3294, I would have voted yea.

On rollcall vote 367, a motion to table the Ensign amendment No. 3295, I would have voted nay.

On rollcall vote 368, a motion to table the Thune amendment No. 3093, I would have voted nay.

On rollcall vote 369, a motion to table the Dole amendment No. 3313, I would have voted nay.

On rollcall vote 370, a motion to table the Vitter amendment No. 3277, I would have voted nay.

On rollcall vote 371, a motion to commit H.R. 3093 to the Committee on Appropriations, with instructions, I would have voted yea.

On rollcall vote 372, on passage of H.R. 3093, I would have voted nay.

A TRIBUTE TO ZACHARIAH ''ZACH'' TEMPLETON

Mr. ALLARD. Mr. President, I rise today to honor the service and sacrifice of Trooper Zachariah ''Zach'' Templeton.

My wife Joan and I were deeply saddened to hear of the tragic death of Trooper Zachariah Templeton while in the line of duty this past Friday in Adams County, CO, as he tried to help a motorist on Interstate 76.

It takes a person of great courage to become an officer of the law. It takes a strong, hardworking, and considerate individual. It takes a special someone who is willing to pay the ultimate price in protecting the safety of others.

Trooper Templeton was just this person. And unfortunately, Trooper Zachariah Templeton paid the ultimate price.

At age 27, Trooper Zachariah was the 24th Colorado State Patrol trooper who has died in the line of duty. Trooper Jason Lee Manspeaker was the last trooper killed on duty and died in a motor vehicle crash on January 23, 2001, while attempting to locate a vehicle believed to be associated with the ''Texas Seven,'' who were wanted in connection with the death of a Texas police officer. According to the National Law Enforcement Officers Memorial Fund, more than 17,500 officers have been killed nationwide since 1792, including 238 in Colorado.

A native of Colorado, Zach joined the Adams County Sheriff's Office as a detention specialist from May 2002 to July 2003, and then joined the CSP and graduated from the CSP Academy in 2003. According to CSP officials, ''Templeton was best described by fellow troopers and supervisors as an individual with a big heart and willingness to help others. It is that desire to serve which led Templeton to respond to the call of a fellow officer. He served the citizens of Colorado with dignity and honor for four years.''

Zach came from a family steeped in law enforcement tradition. Zach's father is a sergeant with the Adams County Sheriff's Office, and his great-grandfather was once county sheriff.

Trooper Zachariah Templeton was a father, brother, and a son. He is survived by daughter Samantha, parents Doug and Teresa Templeton, his brother Levi, and his girlfriend Holly Holsinger. Zach was well liked by his peers and was often very funny and a jokester with his fellow coworkers.

The State of Colorado and the Colorado State Patrol has lost a valuable member of its community, and we are all forever grateful for Trooper Zachariah Templeton's service and dedication to the safety and well-being of others. His service to all of us is highly commendable, and his contributions will be remembered.

I extend my deepest sympathy to the family of Trooper Zachariah Templeton. May his bravery and unwavering sense of duty serve as a role model for the future generation of law enforcement officers. Thank you for your service, Trooper Templeton. Rest in peace, Sir. End of watch: Friday, October 12, 2007.

BREAST CANCER AWARENESS MONTH

Mr. MENENDEZ. Mr. President, I rise today in recognition of October as Breast Cancer Awareness Month. During this month, numerous national service organizations, professional medical associations, and government and local agencies are working to promote breast cancer awareness, share information and provide access to screening services to women nationwide.

As you may know, breast cancer is the second leading cause of death among women—around 180,000 women in the United States will be found to have invasive breast cancer in 2007. Furthermore, about 40,500 women will die from the disease this year. And right now there are slightly over 2 million women living in the United States who have been treated for breast cancer.

Mr. President, in my home State, of New Jersey, we have one of the highest incidence rates of breast cancer in the Nation, averaging approximately 8,000 new cases per year. New Jersey also has one of the highest morbidity rates associated with breast cancer—approximately 1,500 deaths per year. These statistics are painful. Mothers and sisters and daughters are struggling to survive this disease across the country—a disease that is treatable through proper education, early diagnosis, and aggressive therapy.

Routine mammography screening is an especially effective means of detecting breast cancer at the earliest stages. That is why during Breast Cancer Awareness Month, I urge women nationally to maintain a regular mammography schedule. When breast cancer is diagnosed at early stages, the chance of survival greatly increases. Aside from mammographies, the American Cancer Society recommends that women obtain annual clinical breast exams, perform monthly breast self exams, and obtain a risk assessment from a physician to maintain their own breast health, and to catch breast cancer at the earliest stage possible.

Although it may seem like breast cancer solely plagues women, there are documented cases, although rare, of male breast cancer. In fact, it is estimated that in 2007 some 2,030 new cases of invasive breast cancer will be diagnosed among men in the United States.

However, there is hope among these devastating statistics; with knowledge and early screening, many cases can be caught early, increasing patients' chances of survival tremendously. We need to increase our outreach to men and women so we can combat this devastating disease.

It is also important to remember that Breast Cancer Awareness Month cannot just be a 31-day event—we must take action every day of the year if we have a hope of increasing treatment and saving lives.

50TH ANNIVERSARY OF NASA AND THE SPACE AGE

Mr. DOMENICI. Mr. President, I wish to commemorate the 50th anniversary of space flight, the NASA space program, and its contributions past and present to the United States as well as to New Mexico.

Just over 50 years ago on October 4, 1957, the Soviet Union launched Sputnik, the first artificial satellite to orbit around Earth, which propelled the world into the space age. This era saw an unprecedented rise in scientific and technological developments benefiting mankind both on and off the surface of the Earth.

New Mexicans have a long history of contributions to NASA and to the U.S. space program, beginning in 1929 when the ''Father of Modern Rocketry'' Robert H. Goddard moved to Roswell and began his work designing and testing rockets. In 1946 the first ever rocket was launched from U.S. soil into space from what is now White Sands Missile Range in New Mexico.

Shortly after the Soviet launch of Sputnik, the United States launched *Explorer I*, using Goddard's research on the Redstone rocket as the launch vehicle. Later that year on July 29, Congress passed the National Aeronautics

and Space Act. This law created NASA as we know it today in order to ''provide for research into problems of flight within, and outside the Earth's atmosphere, and for other purposes.''

In 1961 a chimpanzee named ENOS, trained at Holloman Air Force Base in Alamogordo, was launched into orbit around Earth and safely returned after two full orbits. Fellow space travelers, Astronauts Drew Gaffney, Sidney Gutierrez, Mike Gutierrez, Edgar D. Mitchell, and former Senator Harrison J. Schmitt, whom I had the honor of working with years ago, all call New Mexico home.

White Sands Missile Range in New Mexico currently provides an alternative landing site for the space shuttle, serves as the primary training area for NASA space shuttle pilots and is used for research on the next generation of the space shuttle. NASA has collaborated with, and funded, research at the University of New Mexico, New Mexico State University, and New Mexico Tech. This funding has been used to continue to expand the limits of understanding in the fields of science and technology. NASA continues to work with Sandia and Los Alamos National Laboratories on cutting edge research and development programs.

New Mexico's Holloman Air Force Base in Alamogordo is also home to the 2007 X-PRIZE Cup competition, the world's largest air and space flight demonstration. In just a few days, on October 27 and 28, lunar lander vehicle competitions, launches, and air show performances will take place along with ground static displays of rockets, NASA displays, robotic displays, and military aircraft displays. I know that the competition will again be fierce for the X-PRIZE Cup, and I am very excited that all the action will take place in New Mexico.

I am proud of New Mexico's role and rich history in space and with NASA. It is a great honor for New Mexico to contribute in so many ways to this remarkable program which has played such a large role in our Nation's history and which continues to be so important to our advancement.

From the Mercury, Gemini, and Apollo missions of the 1960s space race to the shuttle age and beyond, NASA has been on the cutting edge of technology, and they are consistently pushing the limits of understanding. Through space exploration we continue to gain a clearer picture of the history of our universe, our planet, and ourselves.

In honor of 50 years of space flight, NASA will be hosting lecture series, future forums, and science expos throughout the country beginning this month and continuing through October of 2008. I am in awe of what NASA has done and can only anticipate what exciting things they will bring this country, and the world, over the next 50 years.

ADDITIONAL STATEMENTS

SANTA CLARA UNIVERSITY PARTICIPATION IN SOLAR DECATHLON

• Mrs. BOXER. Mr. President, I would like to take a moment to recognize the extraordinary efforts of one of the universities in my home State of California—Santa Clara University.

Twenty-eight SCU students are here in Washington this week to compete in the Solar Decathlon to build the most livable and energy efficient solar-powered house.

As one of only 20 university teams worldwide chosen by the U.S. Department of Energy to participate, the SCU team is making tremendous strides both on the Mall and in California to lead the charge in sustainable living. They are setting a fantastic example for youth throughout the Nation, and for future generations, in how we can work to save energy and reduce global warming pollution.

The SCU students have studied the innovative problem solving methods that are a staple of Silicon Valley and have incorporated those approaches in their work. They have gone above and beyond to demonstrate that people can have affordable, beautiful, functional housing that also saves energy, protects our environment, and reduces pollution.

In June, the SCU team started building their solar-powered home and then transported it across the country last month. Their state-of-the-art ''green'' home is fully equipped with bamboo I-beams, developed by the SCU engineering team, retractable walls, ''smart'' windows and solar thermal panels, in addition to generating its own solar electricity. The solutions to our environmental challenges lie in new technologies like these.

Buildings are responsible for 40 percent of greenhouse gas emissions. This means that taking the steps to make our homes more efficient will ensure a better, greener future for generations to come. Building energy efficient homes and buildings, increasing our use of solar power, and expanding the use of clean, renewable energy sources are some of the best ways to reduce the pollution that causes global warming.

I again commend the students of Santa Clara University for making the trip to Washington and for their efforts to blaze the trail for a better, cleaner environment.•

TRIBUTE TO JUSTICE WILLIAM E. McANULTY, JR.

• Mr. DODD. Mr. President, I speak in memory of my dear friend, William E. McAnulty, Jr., justice of the Kentucky State Supreme Court. He died last month of lung cancer, at the age of 59.

Justice McAnulty should have been with us for many more years. But Bill lived a life that could have been called complete no matter when his book closed—complete because it was full of love, full of humor, and full of pathbreaking work.

Bill jumped at the chance to be the first African American to serve on Kentucky's Supreme Court, declaring that he didn't have time to wait to make history. ''And to those many, many before me,'' he added, ''thank you for not waiting.''

And Justice McAnulty knew that, just as he owed a debt to the civil rights pioneers who came before him, he in turn would be remembered by those who came after: After his success, he said, black lawyers ''will understand the door is open and they are able like any other lawyer or judge to enter. I've looked at my entire career as being someone who could pave the way for others behind me.''

''He was simply born to be a judge,'' said a prominent Kentucky attorney. But when I met Bill at the University of Louisville law school, his accomplishments on the bench were still far in the future.

What I remember most from our student days together is his mischievous streak for practical jokes and his crackling sense of humor—qualities that served him wonderfully as a judge.

When a lawyer paused in the middle of a lengthy closing statement and asked Bill to wake a snoring juror, he replied: ''You put him to sleep. You wake him up.'' And when this University of Louisville graduate and lifelong Democrat was preparing for brain surgery in the last days of his life, he asked the doctor for assurances that he wouldn't wake up a University of Kentucky fan or with the judicial perspective of Justice Clarence Thomas.

Bill faced his sudden illness and his imminent death with a bravery I wish we could all be blessed to emulate. In one sense, it was deeply unfair for that sickness to strike only a year after his crowning achievement, service on his State's highest court. But as Bill would have told us, only a false measure of success could be stolen so easily.

Bill earned a much deeper kind. In the words of Ralph Waldo Emerson quoted at his funeral: ''To laugh often and much; . . . To know even one life has breathed easier because you have lived—this is to have succeeded.''

So I join Bill's surviving loved ones—his father William, his wife Kristi, and his four children—in their sadness. At the funeral, the presiding pastor implored Kentucky's Governor, ''We know you can't give us another Judge McAnulty, but please give us somebody like him.''

A success like the life of Justice William E. McAnulty, Jr., is no cause for mourning. But we grieve Bill's death, and I can't deny that I will miss this best of friends very, very much.•

BORDER BINATIONAL HEALTH WEEK

• Mr. DOMENICI. Mr. President, I wish to commemorate Border Binational

Health Week. Being that New Mexico is a border State, I have great interest in honoring the citizens of my State who live and work near the border.

Border Binational Health Week, which is celebrated this week, is a way for border States to promote sustainable partnerships to help address border health issues. This year's theme is ''Families in Action for Health,'' which is an effort to make sure all people are healthy, and families working together can make sure that happens. Border States have a unique set of concerns citizens elsewhere may not experience. By recognizing Border Binational Health Week, we can begin a dialogue on these issues, between countries.

Several events are being held around the State to raise awareness. The events include a Red Ribbon Rally Parade and Health Fair in Sunland Park; a Family Health Fair in Las Cruces; a Health Disparities Forum in Silver City; a 1½ mile Walk out West in Alamogordo; and a Youth Promotora Training and Educational Workshop in Animas and Lordsburg. Each of these activities help promote healthy living in border States, and especially border communities.

It is my hope that border health will be discussed not only during this week but all year long.●

RECOGNIZING CANYON ROAD

● Mr. DOMENICI. Mr. President, I wish to recognize the city of Santa Fe and their award for one of 2007's Great Streets. Canyon Road was showcased by the American Planning Association as being one of the top 10 streets in the country.

Canyon Road is unique in that it combines elements of commercial and residential living in a way that makes guests want to visit this street time and again. It is the heart of the residential arts and crafts district, and many artists sell their work on this street. Canyon Road is loaded with art galleries that draw crowds of art connoisseurs and simple lovers of art. Art is a huge part of the culture in Santa Fe, and Canyon Road epitomizes that culture. This street is enjoyed by locals and tourists alike.

It is great to see Santa Fe recognized along with cities like New York City and St. Louis. Canyon Road was listed alongside other famous roads, such as North Michigan Avenue in Chicago and Ocean Drive in Miami. It is great to see the character and distinctiveness of my State represented on lists such as these. The American Planning Association has only solidified what New Mexicans already know, that this street is a place all should enjoy. I invite all of you to visit New Mexico and go take a leisurely stroll down the legendary Canyon Road. ●

HONORING MARNEE'S COOKIES

● Ms. SNOWE. Mr. President, today I recognize Marnee's Cookies, a growing small business from my home State of Maine that recently opened its first retail store in Bath, ME. Marnee's Cookies, a premier gourmet cookie company, held the grand opening of Marnee's Cookie Bistro on September 28 to great fanfare. Originally operated out of owner Marnee Robinson's kitchen, the business is now based out of a 4,000 square-foot facility in downtown Bath, which serves as both a cookie factory and retail store.

Baking from an early age, Ms. Robinson has developed and refined the quintessential cookie by combining the arts of baking and design. For years, family and friends have enjoyed her two signature cookies—Nirvana and Serendipity—that became the genesis and impetus for her business. In 2005, Ms. Robinson's entrepreneurial dream became a reality when Marnee's Cookies was founded, offering 13 types of gourmet cookies. Originally begun as a home-based Internet company run solely by Ms. Robinson, the demand for her product quickly expanded into a booming business with loyal customers around the world, from Maine to California, and Paris to India. In fact, Internet orders were so strong that Ms. Robinson was working 18-hour days to ship cookies worldwide. As a result, her growing business needed a facility to accommodate the increasing demand.

The expansion of Marnee's Cookies was made possible by a $150,000 community development block grant. These grants are awarded to small businesses that will, in turn, contribute to economic development and job creation. The city of Bath saw great potential in Ms. Robinson's business plan and applied for the grant on her behalf. I am confident the grant will be beneficial to Marnee's Cookies, enabling it to further expand its reach and create additional jobs and opportunities for Bath's residents.

Marnee's Cookies is also to be commended for its active involvement in local community and charity events. Cookies are regularly donated to local events and nonprofit organizations ranging from the Bath Soup Kitchen to St. Jude Children's Research Hospital. Additionally, Marnee's Cookies holds an annual charity event on December 4—National Cookie Day—with a portion of all holiday orders donated to a local charity. These gracious acts of philanthropy cannot go unnoticed and are a shining example of a small business going above and beyond to serve the local community.

Marnee's Cookies is truly a success story and a bright example of what small businesses can accomplish with measured expansion and consistent determination. I congratulate Marnee Robinson for her entrepreneurial spirit and for being an exceptional role model for Maine and the Nation. We at the Senate wish Marnee's Cookies all the best for many more successful years to come.●

RECOGNIZING THE SALVATION ARMY

● Mr. THUNE. Mr. President, today I wish to recognize the Rapid City Chapter of the Salvation Army as they celebrate 100 years of dedicated service to the local community.

For the last century, the Salvation Army of Rapid City has stood ready to assist South Dakotans of all ages through a variety of services including disaster relief, food and nutrition services, family counseling, health services, and many others. They own and operate the Black Hills Salvation Army Camp and the Rapid City Salvation Army Thrift Store. This ''church with its sleeves rolled up'' serves as a shining example of an organization that is meeting the needs of South Dakota's citizens both physically and spiritually.

The Salvation Army would not be able to perform its invaluable mission without the hard work and dedication of the many volunteers and officers who have put in countless hours serving the needs of others. These compassionate individuals are truly the backbone of the Rapid City community and I hope that their service will inspire others to lend a helping hand.

It gives me great pleasure to rise with the State of South Dakota in congratulating the Salvation Army of Rapid City on this important anniversary and wish them continued success in the years to come.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1495. An act to provide for the conservation and development of water and related sources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore [Mr. BYRD].

At 3:24 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. 2102. An act 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.

H.R. 2295. An act to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

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. 182. Concurrent resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

H. Con. Res. 225. Concurrent resolution honoring the 50th anniversary of the dawn of the Space Age, and the ensuing 50 years of productive and peaceful space activities.

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. 400. An act to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2102. An act 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.

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

S. 2179. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

S. 2180. A bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

S. 2184. A bill to amend the Internal Revenue Code of 1986 to permanently allow penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days.

S. 2185. A bill to permanently extend the current marginal tax rates.

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–3629. A communication from the Acting Director, Program Development and Regulatory Analysis, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Community Connect Broadband Grant Program'' (RIN0572–AC09) received on October 16, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3630. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a meeting held on July 17, 2007, by the Strategic Materials Protection Board; to the Committee on Armed Services.

EC–3631. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (2) officers authorized to wear the insignia of the next higher grade in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–3632. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notification of the Department's decision to conduct a streamlined competition for intermediate level ship maintenance support functions; to the Committee on Armed Services.

EC–3633. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to the expected date of completion of an interim report on the needs of returning members of the National Guard and Reserve; to the Committee on Armed Services.

EC–3634. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 52796) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3635. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 52820) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3636. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (72 FR 52793) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3637. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 50250) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3638. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (72 FR 50255) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3639. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (72 FR 53955) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3640. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (72 FR 54588) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3641. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (72 FR 54591) received on October 16, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–3642. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Establish Catch Accounting Requirements for Processors/First Receivers Participating in the Pacific Whiting Shoreside Fishery'' (RIN0648–AV46) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3643. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area'' (RIN0648–AU68) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3644. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC55) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3645. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (RIN0648–XC22) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3646. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel With Gears Other than Jig in the Eastern Aleutian District and the Bering Sea Subarea in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC56) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3647. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC57) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3648. A communication from the Director for Bilateral Agreements, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Mexican Cement Import Licensing System'' (RIN0625–AA70) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3649. A communication from the Deputy Assistant General Counsel, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Administrator, received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3650. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Framework Adjustment 1 to the Atlantic Surfclam and Ocean Quahog Fishery Management Plan'' (RIN0648–AT62) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3651. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (RIN0648–XC66) received

on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3652. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Total Allowable Catch Harvested for Management Area 1A)'' (RIN0648–XC24) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3653. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Connecticut 2007 Summer Flounder Commercial Fishery)'' (RIN0648–XC21) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3654. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska'' (RIN0648–XC46) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3655. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XC26) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3656. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XC47) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3657. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XC43) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3658. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XC52) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3659. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Catcher Processors Participating in the Rockfish Limited Access Fishery in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XC48) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3660. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands'' (RIN0648–XC54) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3661. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Temporary Rule; Closure (Coastwide 2007 Summer Period Scup Commercial Fishery)'' (RIN0648–XC70) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3662. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Extension of Final Temporary Rule for Interim Measures to Address Overfishing of Gulf of Mexico Red Snapper During 2007'' (RIN0648–AT87) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3663. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Framework Adjustment 4 to the Monkfish Fishery Management Plan'' (RIN0648–AU34) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3664. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Final Rule; Correction'' (RIN0648–AV95) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3665. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment 85 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area to Allocate Pacific Cod Among Harvesting Sectors'' (RIN0648–AU48) received on October 16, 2007; to the Committee on Commerce, Science, and Transportation.

EC–3666. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the Administration's Strategic Plan for fisheries research; to the Committee on Commerce, Science, and Transportation.

EC–3667. A communication from the General Counsel, Department of Commerce, transmitting, legislation entitled, ''Space Commerce Act of 2007''; to the Committee on Commerce, Science, and Transportation.

EC–3668. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Virginia Regulatory Program'' (Docket No. VA–125–FOR) received on October 15, 2007; to the Committee on Energy and Natural Resources.

EC–3669. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Indiana Regulatory Program'' (Docket No. IN–156–FOR) received on October 15, 2007; to the Committee on Energy and Natural Resources.

EC–3670. A communication from the Associate Deputy Secretary of the Interior, transmitting, pursuant to law, a report relative to the general social, political, and economic conditions in the Republic of the Marshall Islands; to the Committee on Energy and Natural Resources.

EC–3671. A communication from the Director, Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, two draft documents relative to the Yucca Mountain Project; to the Committee on Energy and Natural Resources.

EC–3672. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Strategic Petroleum Reserve for calendar year 2006; to the Committee on Energy and Natural Resources.

EC–3673. 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; Commonwealth of Virginia; Control of Particulate Matter From Pulp and Paper Mills'' (FRL No. 8484–5) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3674. 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; Pennsylvania; Redesignation of the Mercer County Portion of the Youngstown-Warren-Sharon, OH–PA 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's MaintenancePlan and 2002 Base Year Inventory'' (FRL No. 8484–3) received on October15, 2007; to the Committee on Environment and Public Works.

EC–3675. 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 State Implementation Plans and Operating Permits Program; State of Iowa'' (FRLNo. 8483–1) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3676. 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 and Designation of Areas for Air Quality Planning Purposes; Georgia: Redesignation of Murray County, Georgia 8-Hour Ozone Nonattainment Area to Attainment for Ozone'' (FRL No. 8482–4) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3677. 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; Kentucky: Performance Testing and Open Burning'' (FRL No. 8482–5) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3678. 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; Transportation Conformity'' (FRL No. 8483–3) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3679. 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 State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Virginia; Control of Total Reduced Sulfur From Pulp and Paper Mills'' (FRL No. 8484–4) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3680. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment, Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Redesignation of Central Indiana to Attainment of the 8-Hour Ozone Standard'' (FRL No. 8484–2) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3681. 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 ''Fluazinam; Pesticide Tolerance'' (FRL No. 8152–4) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3682. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Definition of Cogeneration Unitin Clean Air Interstate Rule, CAIR Federal Implementation Plans, Clean Air Mercury Rule; and Technical Corrections to CAIR, CAIR FIPs, CAMR, and Acid Rain Program Rules'' ((RIN2060–AO33)(FRL No. 8483–7)) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3683. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, a report entitled, ''FY 2006 Superfund Five-Year Review Report to Congress''; to the Committee on Environment and Public Works.

EC–3684. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Limited Work Authorizations for Nuclear Power Plants'' (RIN3150–AI05) received on October 15, 2007; to the Committee on Environment and Public Works.

EC–3685. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Offset of Tax Refund Payments to Collect Past-Due Support'' (RIN1510–AB16) received on October 15, 2007; to the Committee on Finance.

EC–3686. 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 ''Examination of Returns and Claims for Refund, Credit or Abatement; Determination of Correct Tax Liability'' (Rev. Proc. 2007–62) received on October 15, 2007; to the Committee on Finance.

EC–3687. 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 ''Tier I Issue: Section 118 Abuse Directive No. 3'' (Docket No. LMSB–04–1007–069) received on October 15, 2007; to the Committee on Finance.

EC–3688. 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 ''Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates'' (Notice 2007–82) received on October 15, 2007; to the Committee on Finance.

EC–3689. 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 ''Interest Rate Modifications Under the Pension Protection Act of 2006'' (Rev. Proc. 2007–81) received on October 15, 2007; to the Committee on Finance.

EC–3690. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Payment of Federal Taxes and the Treasury Tax and Loan Program'' (RIN1510–AB01) received on October 15, 2007; to the Committee on Finance.

EC–3691. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–201–2007–212); to the Committee on Foreign Relations.

EC–3692. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles and services to the Republic of Korea to support the manufacture of F–16 airframe structural components; to the Committee on Foreign Relations.

EC–3693. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense services to Denmark, the Netherlands, and Belgium in support of the MK 41 Vertical Launching System; to the Committee on Foreign Relations.

EC–3694. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles and services to Japan to support the manufacture of F–15 electrical generators; to the Committee on Foreign Relations.

EC–3695. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a request for Foreign Military Financing funds for the Government of Egypt for the production of 125 M1A1 Abrams Tanks; to the Committee on Foreign Relations.

EC–3696. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles and services to Australia for the manufacture of materials relative to the Australian Mulwala Gun Propellant and Explosive Plant upgrade; to the Committee on Foreign Relations.

EC–3697. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the development of requirements for the licensing of cord blood units; to the Committee on Health, Education, Labor, and Pensions.

EC–3698. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling; Health Claims; Dietary Noncariogenic Carbohydrate Sweeteners and Dental Caries'' (Docket No. 2006P–0487) received on October 15, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3699. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Advisory Committee; Risk Communication Advisory Committee; Establishment'' (21 CFR Part 14) received on October 15, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3700. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Uniform Compliance Date for Food Labeling Regulations'' (Docket No. 2000N–1596) received on October 16, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3701. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (72 FR 52471) received on October 16, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3702. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Solicitor of Labor, received on October 16, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–3703. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Inspector General's Semiannual Report for the period ended March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3704. A communication from the Director, Strategic Human Resource Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Dental and Vision Insurance Program'' (RIN3206–AL03) received on October 15, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3705. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 7C for Fiscal Years 2005 Through 2007, as of March 31, 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–3706. A communication from the Chief Acquisition Officer, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2005–20; Introduction'' (FAC 2005–20) received on October 16, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–3707. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, ''Actions Taken on Office of Inspector General Recommendations''; to the Committee on Homeland Security and Governmental Affairs.

EC–3708. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Letter Report: Audit of Advisory Neighborhood Commission 6A for Fiscal Years 2005 Through 2007, as of March 31, 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–3709. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Designation of Oripavine as a Basic

Class of Controlled Substance'' (Docket No. DEA–309F) received on October 16, 2007; to the Committee on the Judiciary.

EC–3710. A communication from the White House Liaison, Office of the Attorney General, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of an acting officer for the position of Attorney General, received on October 16, 2007; to the Committee on the Judiciary.

EC–3711. A communication from the Assistant Attorney General for Administration, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Final Rule for 'El Paso Intelligence Center Seizure System''' (AAG/A Order No. 032–2007) received on October 15, 2007; to the Committee on the Judiciary.

EC–3712. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing; Revision to Response Time for Requesting a Technical Review of a Physical Inspection Report'' (RIN2502–AI43) received on October 15, 2007; to the Committee on Banking, Housing, and Urban Affairs.

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. HARKIN:

S. 2173. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2174. A bill to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 2175. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself, Mr. KERRY, Mr. SMITH, Mr. AKAKA, Mrs. BOXER, Mr. DORGAN, Mr. INOUYE, Ms. STABENOW, and Mr. TESTER):

S. 2176. A bill to promote the development of Native American small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mrs. McCASKILL:

S. 2177. A bill to prohibit the payment of individuals to reserve a place in line for a seat for a lobbyist at a congressional committee hearing or business meeting; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself and Mr. HATCH):

S. 2178. A bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 2179. A bill to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes; read the first time.

By Mr. BINGAMAN:

S. 2180. A bill to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes; read the first time.

By Ms. COLLINS (for herself, Mr. CASEY, Mr. BOND, Ms. CANTWELL, Mr. ROBERTS, and Mr. REED):

S. 2181. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

By Mr. REED (for himself and Mr. SMITH):

S. 2182. A bill to amend the Public Health Service Act with respect to mental health services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. REED):

S. 2183. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. DOLE:

S. 2184. A bill to amend the Internal Revenue Code of 1986 to permanently allow penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days; read the first time.

By Mr. GRAHAM:

S. 2185. A bill to permanently extend the current marginal tax rates; read the first time.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. SANDERS):

S. 2186. A bill to permit individuals who are employees of a grantee that is receiving funds under section 330 of the Public Health Service Act to enroll in health insurance coverage provided under the Federal Employees Health Benefits Program; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON (for herself and Mr. CASEY):

S. 2187. A bill to amend the Child Care and Development Block Grant Act of 1990 to provide for child care workforce development initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. SALAZAR, Mr. SMITH, Mr. AKAKA, and Mr. SANDERS):

S. 2188. A bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program; to the Committee on Finance.

By Mr. DODD (for himself and Mr. DURBIN):

S. 2189. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 2190. A bill to amend title XVIII of the Social Security Act to provide for the inclusion of barbiturates and bezodiazepines as covered part D drugs beginning in 2008; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mrs. BOXER, Mr. DURBIN, Mr. CARDIN, Mr. OBAMA, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. WHITEHOUSE, Mr. HARKIN, Mr. SCHUMER, Mr. REED, Mr. DODD, Mrs. FEINSTEIN, Mr. KOHL, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. LAUTENBERG, and Mr. CASEY):

S. Res. 349. A resolution honoring Vice President Albert Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their efforts to promote understanding of the threats posed by global warming; considered and agreed to.

By Mr. HATCH (for himself, Mr. BENNETT, Mrs. DOLE, and Mr. BURR):

S. Res. 350. A resolution honoring the achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies, winners of the 2007 Nobel Prize in Physiology or Medicine; considered and agreed to.

ADDITIONAL COSPONSORS

S. 400

At the request of Mr. SUNUNU, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 886

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 886, a bill to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 903

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 1194

At the request of Mr. DODD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1194, a bill to improve the No Child Left Behind Act of 2001, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1249

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1249, a bill to require the President to close the Department of Defense detention facility at Guantanamo Bay, Cuba, and for other purposes.

S. 1259

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 1259, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for developing countries to promote quality basic education and to establish the achievement of universal basic education in all developing countries as an objective of United States foreign assistance policy, and for other purposes.

S. 1284

At the request of Mr. DORGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1284, a bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

S. 1382

At the request of Mr. REID, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1430

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Maryland (Ms. MIKULSKI) 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. 1512

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1512, a bill to amend part E of title IV of the Social Security Act to expand Federal eligibility for children in foster care who have attained age 18.

S. 1544

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1544, a bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of health care, to provide the public with information on provider and supplier performance, and to enhance the education and awareness of consumers for evaluating health care services through the development and release of reports based on Medicare enrollment, claims, survey, and assessment data.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1669

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1669, a bill to amend titles XIX and XXI of the Social Security Act to ensure payment under Medicaid and the State Children's Health Insurance Program (SCHIP) for covered items and services furnished by school-based health clinics.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemembers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1809

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1809, a bill to amend the Internal Revenue Code of 1986 to provide that distributions from an individual retirement plan, a section 401(k) plan, a section 403(b) contract, or a section 457 plan shall not be includible in gross income to the extent used to pay long-term care insurance premiums.

S. 1833

At the request of Mr. NELSON of Florida, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1833, a bill to amend the Consumer Product Safety Act to require third-party verification of compliance of children's products with consumer product safety standards promulgated by the Consumer Product Safety Commission and for other purposes.

S. 1858

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1921

At the request of Mr. WEBB, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1930

At the request of Mr. WYDEN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1930, a bill to amend the Lacey Act Amendments of 1981 to prevent illegal logging practices, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1958

At the request of Mr. CONRAD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1958, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 1998

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1998, a bill to reduce child marriage, and for other purposes.

S. 2002

At the request of Mr. HATCH, the name of the Senator from Kentucky

(Mr. BUNNING) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. LEAHY) 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. 2053

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2053, a bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve elementary and secondary education.

S. 2063

At the request of Mr. GREGG, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor 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 Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2088

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2088, a bill to place reasonable limitations on the use of National Security Letters, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2135

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2135, a bill to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S. 2140

At the request of Mr. DORGAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2140, a bill to award a Congressional Gold Medal to Francis Collins, in recognition of his outstanding contributions and leadership in the fields of medicine and genetics.

S. 2152

At the request of Mr. MCCONNELL, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kansas (Mr. BROWNBACK) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 2152, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program through fiscal year 2012, and for other purposes.

S. 2153

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2153, a bill to amend the Truth in Lending Act to enhance disclosure of the terms of home mortgage loans, and for other purposes.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2172

At the request of Mr. MCCAIN, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2172, a bill to impose sanctions on officials of the State Peace and Development Council in Burma, to prohibit the importation of gems and hardwoods from Burma, to support democracy in Burma, and for other purposes.

S. RES. 348

At the request of Ms. MURKOWSKI, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 348, a resolution supporting the goals and ideals of Red Ribbon Week.

AMENDMENT NO. 3320

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 3320 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 3321

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 3321 intended to be proposed to H.R. 3043, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 2173. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I am introducing the FIT Kids Act. That first word, FIT, is an acronym for ''Fitness Integrated with Teaching''. The FIT Kids Act encourages schools to provide children with quality physical education that can help them lead healthier lives.

Since the 1970s, the incidence of obesity has more than doubled for preschool children aged 2–5 years and for young people aged 12–19 years, and has more than tripled for children aged 6–11 years. There are many reasons of this public health crisis, and addressing this crisis will require multiple solutions as well. One critical place to start is in our schools. The Centers for Disease Control and Prevention has found that fewer than 10 percent of our public schools at all levels offer daily physical education or its equivalent for the entire school year for all students.

The FIT Kids Act would amend the No Child Left Behind Act to support quality physical education for all public school children through grade 12, and ensure they receive important health and nutritional information. As a senior member of the Senate Health, Education, Labor and Pensions Committee, I have been working with Chairman KENNEDY and my other colleagues to reauthorize the No Child Left Behind Act in a way that improves on existing law, and gives schools and educators the resources they need to succeed.

It is truly alarming to see the discrepancies in achievement between children in the United States and children abroad. Here in the U.S., we have a wide and persistent achievement gap that is leaving behind children of color, young people from disadvantaged backgrounds, and children with disabilities. I believe that the No Child Left Behind Act gives us a framework to reduce, and hopefully close, this achievement gap to ensure that children from all walks of life are achieving at high levels. I believe that we can and will reauthorize the No Child Left Behind Act in a way that preserves its essential reforms and continues the progress we have made over the nearly 6 years since the act became law.

Unfortunately, despite the law's lofty goals, many educators have come to see it as a burden and a hindrance to effective classroom practices. I admit I share many of their concerns. I am particularly concerned about reports of imbalances and distortions that have come about as various States and the Federal Government have pushed for higher standards and greater accountability. Earlier this year, the Center on Education Policy, here in Washington,

released a study showing that, as a result of NCLB, many school districts have cut back on the time spent teaching subjects other than math and reading.

I am especially concerned by the finding that time spent on physical education has dropped by 9 percent, and recess by 6 percent. A new elementary school in Atlanta was actually built without a playground! This is just plain wrong-headed and short-sighted for two big reasons: one, we are fighting a childhood obesity epidemic of frightening proportions. Two, as any teacher or parent knows, kids have got to have time to play and burn off energy if they are going to be in a proper frame of mind to learn.

This legislation will provide parents with information on the time and resources devoted to giving their children a quality physical education. Specifically, the bill will amend the State, local education agency, and school report cards to include measures of physical education tied to nationally recognized guidelines and standards. It is important to note, however, that this legislation will not amend the school accountability process to include measures of physical education. However, by including this new information on report cards we will give parents the data they need in order to assess whether their children are receiving an appropriate physical education.

In addition, the bill promotes teacher professionalism in the field of physical education in order to promote healthy lifestyles and physical activity, and thereby to boost students' readiness to learn. The bill promotes physical activity in after-school programs. It amends the school counseling program to take into account students' emotional and physical wellbeing. It supports efforts to train parents to encourage healthy behaviors and physical activity.

Finally, this legislation authorizes research into the ways physical activity can be incorporated into all aspects of the school day, as well as research into the impact of physical activity on students' ability to learn, and into the best ways to measure student progress in increasing physical activity.

I am pleased that this bill is strongly supported by the American Heart Association, the National Parent Teacher Association, the American School Counselor Association, YMCA of the USA, National Association for Sport and Physical Education, the Campaign to End Obesity, and many other leading organizations in the fields of education and health.

The FIT Kids Act shines a spotlight on children's heath and how our schools can play a greater role in teaching our children healthy behaviors. As we move forward in reauthorizing the No Child Left Behind Act, we cannot neglect the importance of proper physical education. Students should be learning healthy behaviors and the importance of physical activity, and why these lessons will be important throughout their lives. The FIT Kids Act provides the framework to accomplish this. I urge my colleagues to support this bill.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2174. A bill to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the ''Paul E. Gillmor Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation to name the Post Office in Tiffin, Ohio, after the late U.S. Representative Paul E. Gillmor. It is my honor to introduce this bill because of my close relationship with Congressman Gillmor, and the utmost respect I have for him and his service to the people of Ohio. I would like to thank Senator BROWN for his cosponsorship.

Paul and I met four decades ago in 1967 when we began our careers together, Paul as a State senator and I as a member of the Ohio House. Paul was immensely successful and well-respected because he treated others with dignity and respect.

During his tenure as president of the Ohio Senate, he was able to put partisan politics aside and work together with Governor Celeste for the best interests of the state.

Paul had a wonderful knack for being able to work with people to get things done. He led by example, and his enthusiasm and ability always made you want to be on his team. He left an indelible mark on the people he worked with which is a part of his wonderful, lasting legacy.

When I came to the Senate I knew I had a real friend in Paul Gillmor. My only regret is that I did not have more time to spend with him.

Because of Paul's diligent and devoted service to his country, it is fitting that the post office in Tiffin, Ohio, should soon bear his name. Not far from his small home town of Old Fort, Ohio; Tiffin was chosen in concurrence with the wishes of his wife, Karen Gillmor.

By Mrs. CLINTON:

S. 2175. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to reintroduce the Family Asthma Act, legislation that would improve our federal government's response to this epidemic. The number of people with asthma has more than doubled in the past twenty years, and today, more than 32 million Americans, including more than 9 million children, have been diagnosed with asthma. By 2020, asthma is expected to strike 1 in 14 Americans and 1 in 5 families.

While deaths and hospitalizations from asthma are decreasing, the disease has a disproportionate impact among racial and ethnic minority populations. The emergency department visit rate for blacks seeking asthma treatment was 350 percent higher than that of the rates of whites, while the hospitalization rate for blacks with asthma was 240 percent higher than the rate of whites with asthma. Puerto Rican populations are 95 percent more likely to be diagnosed with asthma than white populations. Women are also disproportionately impacted, with asthma hospitalization rates approximately 35 percent higher among females than males.

Our legislation seeks to reverse these disparities. It would set up pilot projects to increase patient self-management, and allow for a better understanding of the environmental factors, like indoor and outdoor air pollution, that contribute to asthma. It would improve our surveillance and education efforts through the Centers for Disease Control and Prevention, so that we identify and target interventions to the populations with the highest burdens of asthma. And it would train providers to recognize the links between environmental pollution and asthma, in order to better treat and manage this condition.

This legislation contains the following components: it establishes pilot projects to improve asthma management and increase our knowledge of the environmental and genetic links to asthma. The Family Asthma Act establishes a $10 million annual grant program through the National Institutes of Health to establish pilot research projects that assist patients with asthma management. These projects will also allow scientists to engage in research on the environmental and genetic factors that contribute to severe, persistent asthma.

It directs our Government's asthma coordinating body to review and make recommendations for future directions in research and interventions. This legislation directs the National Asthma Education and Prevention Program to review current private and public sector efforts in combating asthma, and make recommendations as to how to strengthen those efforts in order to reduce the impact of this disease upon our health care system.

It increases funding to the CDC for education and surveillance. The bill provides $10 million annually to increase CDC's educational efforts, with state, local and nonprofit partners, to raise awareness of both asthma and ways to manage the disease. It also increases the scope of CDC's asthma surveillance activities to include hospitalization data, so as to better measure the impact of asthma at both the national and local level.

It creates a fellowship program to train providers about the links between the environment and asthma. Through this bill, the National Institutes of Environmental Health Sciences will set up a $2 million fellowship program to

help a broad spectrum of health care providers learn about the links between the environment and asthma, and increase their ability to address those links in clinical practice and asthma management programs.

I look forward to working with my colleagues in the Senate to move this legislation forward and address the growing incidence of asthma in our country.

I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be placed in the RECORD, as follows:

AMERICAN LUNG ASSOCIATION,
Washington, DC, October 17, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The American Lung Association strongly supports your Family Asthma Act. Once enacted into law, this measure will result in much-needed research into factors contributing to asthma and the alarming effects of asthma on the health of Americans, particularly children, minorities, women and the elderly.

As you know, over 22 million Americans currently have asthma, including more than six million children. Asthma is the leading cause of chronic illness among children in the U.S. and the third-leading cause of hospitalization among kids under 15 years of age. It also results in almost 13 million days of missed school annually. Asthma takes a significant toll on the public, increasing absenteeism from work, as well as the financial burden of asthma treatment. The Centers for Disease Control and Prevention (CDC) estimates that 11 million workdays are missed annually as a result of asthma and it is estimated to cost almost $15 billion in direct health care costs each year. Asthma also disproportionately affects women and minorities.

The introduction of this legislation comes at an important time: this week, the National Asthma Education and Prevention Program is issuing revised guidelines, emphasizing the importance of asthma control and suggesting new approaches for monitoring asthma. The new guidelines will help doctors and their patients select a treatment based on the patient's needs and level of asthma, emphasizing the importance of regularly monitoring the patient's asthma level so that treatments can be adjusted necessary.

However, despite these new guidelines, nationwide efforts to monitor asthma prevalence are hampered by a lack of consistent data. Your legislation will require that asthma surveillance activities be conducted so that critical information on the prevalence and severity of asthma, the effectiveness of public health asthma interventions and the quality of asthma management is collected. The Family Asthma Act will also require greater federal coordination to create a national plan to combat asthma.

Thank you for your leadership on this critical public health issue. The American Lung Association looks forward to working with you to see the Family Asthma Act become law.

Sincerely,

BERNADETTE A. TOOMEY,
President and CEO.

By Mr. KERRY (for himself and Mr. HATCH):

S. 2178. A bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability; to the Committee on the Judiciary.

Mr. KERRY. Mr. President, one of the best ways that the United States can gain understanding and appreciation of other cultures is through the arts. Exposing children and adults alike to the creativity of other countries enriches our own artistic talents and helps bridge the gap between nations. It is for those reasons my colleague Senator HATCH and I have introduced the Arts Require Timely Service, ARTS, Act.

This legislation helps streamline the visa process and waive fees so that foreign artists and musicians can share their talents in the United States. Currently, the visa process for visiting artists is slow and costly, often times prohibiting artists from coming to the United States to share their talents. Breaking down these barriers is important and we shouldn't let the politics of immigration interfere with expanding our cultural horizons.

I am proud to stand with Senator HATCH and the Performing Arts Visa Task Force to try and help artists visit our country and inspire our communities. I hope our colleagues will join us and pass this sensible reform to expedite cultural exchanges and artistic expression.

Mr. HATCH. Mr. President, I rise today to join with Senator JOHN KERRY in introducing the Arts Require Timely Service, ARTS, Act. The ARTS Act would reduce the current processing times for ''O'' and ''P'' arts-related visa petitions filed by, or on behalf of, nonprofit arts-related organizations to a maximum of 45 days.

Unfortunately, delays by the U.S. Citizenship and Immigration Services are making it increasingly difficult for international artists to appear in the U.S. Nonprofit arts organizations confront long waits and uncertainty in gaining approval for visa petitions for foreign artists. Most nonprofit arts cannot afford the Premium Processing Service, guaranteeing processing within 15 days upon payment of an additional $1,000 fee per petition. This is burdensome for many nonprofit arts organizations leaving them to await the unpredictability of the regular visa process.

Performances and other cultural events are date, time and location-specific. The nature of scheduling, booking, and confirming highly sought-after guest soloists and performing groups requires that the timing of the visa process be efficient and reliable. There is a continuing risk that foreign guest artists will be unable to enter the U.S. in time for their engagements, causing burdens on nonprofit arts organizations, international artists, and the local artists who were scheduled to perform alongside the international guest.

In my home State of Utah, the Utah Symphony & Opera has witnessed firsthand how delays and unpredictability in artist visa processing have denied Utahns the opportunity to experience international artistry. To make matters worse, cancellations create high economic risks for these nonprofit arts institutions as they must sell tickets in advance, creating a financial obligation to their audiences.

Congress has already indicated strong, bipartisan support for the ARTS Act. In fact, the provision enjoys support from key House and Senate Judiciary Committee members and it was included in the 2006 Senate comprehensive immigration reform bill. I agree with Homeland Security Secretary Michael Chertoff when he said, ''Our heritage and our national character inspire us to create a more welcoming society for those who lawfully come to our shores to work, learn, and visit.'' Indeed, this noncontroversial improvement to the artist visa process will strengthen our ties with other countries, enrich our Nation's culture, and provide a wonderful opportunity to learn from foreign artists.

I encourage my colleagues to support the ARTS Act.

By Ms. COLLINS (for herself, Mr. CASEY, Mr. BOND, Ms. CANTWELL, Mr. ROBERTS, and Mr. REED):

S. 2181, A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join Senators CASEY, BOND, CANTWELL, ROBERTS and REED in introducing legislation, the Home Health Care Access Protection Act, to prevent the devastating 11.75 percent cut that the Centers for Medicare and Medicaid Services, CMS, is planning to make in Medicare home health payment rates over the next 4 years.

Home health has become an increasingly important part of our health care system. The kinds of highly skilled and often technically complex services that our Nation's home health agencies provide have helped to keep families together and enabled millions of our most frail and vulnerable older and disabled persons to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes. Moreover, by helping these individuals to avoid more costly institutional care, they are saving Medicare millions of dollars each year.

That is why I find it so ironic that the Medicare home health benefit is once again under attack.

The House version of the SCHIP reauthorization bill proposed cutting Medicare home health spending by $2.6 billion over 5 years, and the Senate may soon be considering similar cuts.

To make matters worse, CMS has proposed additional administrative cuts that are estimated to total more than $6 billion over the next 5 years. If allowed to go forward, this ''double whammy'' for home care will result in

cuts in excess of $8.6 billion over 5 years from a program that costs less than $15 billion a year. This simply is not right, and it certainly is not in the best interest of our Nation's seniors who rely on home care to keep them out of hospitals, nursing homes and other institutions.

The administrative cuts proposed by CMS are based on the assertion that home health agencies have intentionally ''gamed the system'' by claiming that their patients have conditions of higher clinical severity than they actually have in order to receive higher Medicare payments. This unfounded allegation of ''case mix creep'' is based on what CMS contends to be an increase in the average clinical assessment ''score'' of home health patients over the last few years.

In fact, there are very real clinical and policy explanations for why the average clinical severity of home care patients' health conditions may have increased over the years. For example, the incentives built into the hospital DRG reimbursement system have led to the faster discharge of sicker patients. Advances in technology and changes in medical practice have also enabled home health agencies to treat more complicated medical conditions that earlier could only be treated in hospitals, nursing homes, or inpatient rehabilitation facilities.

These administrative cuts are proposed to go into effect on January 1. This would be devastating to home health agencies in Maine and across the Nation, particularly given that there is no evidence of intentional ''gaming'' on the part of home health agencies to warrant such a severe financial penalty.

Moreover, CMS has not made public any of the details of the research method, data and findings they used to justify the planned cuts, making it impossible for Congress or the public to evaluate the reliability or the validity of its actions.

What is of most concern to me, however, is that this unfair penalty is being assessed across the board, even for home health agencies that showed a decrease in their clinical assessment scores. If an individual home health agency is truly gaming the system, CMS should target that one agency, not penalize everyone.

The fact is that the Medicare home health benefit has already taken a larger hit in spending cuts over the past 10 years than any other Medicare benefit. In fact, home health as a share of Medicare spending has dropped from 8.7 percent in 1997 to 3.2 percent today, and is projected to decline to 2.6 percent of Medicare spending in 2015.

This downward spiral in home health spending began with provisions in the Balanced Budget Act of 1997, which resulted in a 50 percent cut in Medicare home health spending by 2001—far more than the Congress intended or the Congressional Budget Office projected.

And home health spending continues to be much lower than CBO projections. In 2000, the CBO projected that home health spending in 2006 would total $21.1 billion under the new home health prospective payment system. The actual total expenditures for home health last year were $13.2 billion. If home health agencies were engaging in the kind of widespread ''upcoding'' that CMS has alleged, home health spending would be exceeding CBO's projections. In fact, home health spending has been far less than expected.

Home health care has consistently proven to be a compassionate and cost-effective alternative to institutional care. Additional deep cuts will be completely counterproductive to our efforts to control overall health care costs. They will also place the quality of home health services at risk, particularly given ever-rising transportation, staffing, and technology costs. Cuts of this magnitude could leave some providers with no alternative but to reduce the number of home health visits or patient admissions, which would ultimately threaten seniors' access to care and clinical outcomes. Or they could cause them to close their doors altogether.

The legislation that we are introducing today will block the ''case mix creep'' cuts that were proposed by CMS as part of the final home health prospective payment system regulation in August. It will also establish a reliable and transparent process that the Department of Health and Human Services must use to justify that payment rate cuts are needed to account for improper changes in ''case mix scoring.'' A companion bill to our legislation is being introduced in the House by Representative JIM MCGOVERN.

The Home Health Care Access Protection Act of 2007 will help to ensure that our seniors and disabled Americans continue to have access to the quality home health services they deserve, and I encourage all of my colleagues to sign on as cosponsors.

By Mr. REED (for himself and Mr. SMITH):

S. 2182. A bill to amend the Public Health Service Act with respect to mental health services; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Community Mental Health Services Improvement Act. For decades, we have known that people suffering from mental illness die sooner, on average 25 years sooner, and have higher rates of disability than the general population. People with mental illness are at greater risk of preventable health conditions such as heart disease and diabetes. With this legislation, we are taking steps to address these disturbing trends.

We know that mental health and physical health are inter-related: each contributes to the other. Yet historically mental health and physical health have been treated separately. The vision of this legislation is that the two should be integrated in a single medical home.

In a recent survey, 91 percent of community mental health centers said that improving the quality of health care is a priority. However, only one-third have the capacity to provide health care on site, and only one-fifth provide medical referrals off site. The centers identified a lack of financial resources as the biggest barrier to integrating treatment.

Accordingly, this legislation provides grants to integrate treatment for mental health, substance abuse, and primary and specialty care. Grantees can use the funds for screenings, basic health care services on site, referrals, or information technology.

This legislation is also a comprehensive response to the workforce crisis identified by the President's New Freedom Commission on Mental Health. It provides grants for a wide range of innovative recruitment and retention efforts, from loan forgiveness and repayment programs, to placement and support for new mental health professionals, to expanding mental health education and training programs.

Finally, this legislation provides grants for tele-mental health in medically-underserved areas, and invests in health IT for mental health providers. These proposals address the twin goals of improving the quality of mental health treatment while expanding access to that treatment in rural and underserved areas.

This bipartisan legislation, which I am introducing with my colleague Senator SMITH, has the overwhelming support of the mental health community. It has been endorsed by the National Council for Community Behavioral Healthcare, the National Alliance on Mental Illness, Mental Health America, the Campaign for Mental Health Reform, and the American Psychological Association. I am especially grateful for the support of the Rhode Island Council of Community Mental Health Organizations, whose members treat close to 15,000 Rhode Islanders of all ages.

Today Senator SMITH and I are also introducing the Community Mental Health Infrastructure Improvements Act. It should be obvious that this legislation is a necessary complement to the Community Mental Health Services Improvement Act: without community mental health centers, there can be no services to improve. Accordingly, this legislation provides grants to states for the construction and modernization of facilities that provide mental health services.

As a member of the Senate Committee on Health, Education, Labor, and Pensions, I will work to include

these important initiatives in legislation that renews and improves Substance Abuse and Mental Health Services Administration, SAMHSA, programs. It is my hope that with its passage, we can begin to address the challenge of improving and expanding access to mental health services in a comprehensive way.

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. 2182

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 ''Community Mental Health Services Improvement Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) almost 60,000,000 Americans, or one in four adults and one in five children, have a mental illness that can be diagnosed and treated in a given year;

(2) mental illness costs our economy more than $80,000,000,000 annually, accounting for 15 percent of the total economic burden of disease;

(3) alcohol and drug abuse contributes to the death of more than 100,000 people and costs society upwards of half a trillion dollars a year;

(4) individuals with serious mental illness die on average 25 years sooner than individuals in the general population; and

(5) community mental and behavioral health organizations provide cost-efficient and evidence-based treatment and care for millions of Americans with mental illness and addiction disorders.

SEC. 3. CO-LOCATING PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by adding at the end the following:

''SEC. 520K. GRANTS FOR CO-LOCATING PRIMARY AND SPECIALTY CARE IN COMMUNITY-BASED MENTAL HEALTH SETTINGS.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a qualified community mental health program defined under section 1913(b)(1).

''(2) SPECIAL POPULATIONS.—The term 'special populations' refers to the following 3 groups:

''(A) Children and adolescents with mental and emotional disturbances who have co-occurring primary care conditions and chronic diseases.

''(B) Adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

''(C) Older adults with mental illnesses who have co-occurring primary care conditions and chronic diseases.

''(b) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration and in coordination with the Director of the Health Resources and Services Administration, shall award grants to eligible entities to establish demonstration projects for the provision of coordinated and integrated services to special populations through the co-location of primary and specialty care services in community-based mental and behavioral health settings.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may require. Each such application shall include—

''(1) an assessment of the primary care needs of the patients served by the eligible entity and a description of how the eligible entity will address such needs; and

''(2) a description of partnerships, cooperative agreements, or other arrangements with local primary care providers, including community health centers, to provide services to special populations.

''(d) USE OF FUNDS.—

''(1) IN GENERAL.—For the benefit of special populations, an eligible entity shall use funds awarded under this section for—

''(A) the provision, by qualified primary care professionals on a reasonable cost basis, of—

''(i) primary care services on site at the eligible entity;

''(ii) diagnostic and laboratory services; or

''(iii) adult and pediatric eye, ear, and dental screenings;

''(B) reasonable costs associated with medically necessary referrals to qualified specialty care professionals as well as to other coordinators of care or, if permitted by the terms of the grant, for the provision, by qualified specialty care professionals on a reasonable cost basis on site at the eligible entity, of—

''(i) endocrinology services;

''(ii) oncology services;

''(iii) pulmonary/respiratory services; or

''(iv) cardiovascular services;

''(C) information technology required to accommodate the clinical needs of primary and specialty care professionals; or

''(D) facility improvements or modifications needed to bring primary and specialty care professionals on site at the eligible entity.

''(2) LIMITATION.—Not to exceed 15 percent of grant funds may be used for activities described in subparagraphs (C) and (D) of paragraph (1).

''(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(f) EVALUATION.—Not later than 3 months after a grant or cooperative agreement awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant or agreement.

''(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate the activities funded under this section. The report shall include an evaluation of the impact of co-locating primary and specialty care in community mental and behavioral health settings on overall patient health status and recommendations on whether or not the demonstration program under this section should be made permanent.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $50,000,0000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2013.''.

SEC. 4. INTEGRATING TREATMENT FOR MENTAL HEALTH AND SUBSTANCE ABUSE CO-OCCURRING DISORDERS.

Section 520I of the Public Health Service Act (42 U.S.C. 290bb-40) is amended—

(1) by striking subsection (i) and inserting the following:

''(j) FUNDING.—The Secretary shall make available to carry out this section, $14,000,000 for fiscal year 2009, $20,000,000 for fiscal year 2010, and such sums as may be necessary for each of fiscal years 2011 through 2013. Such sums shall be made available in equal amount from amounts appropriated under sections 509 and 520A.''; and

(2) by inserting before subsection (j), the following:

''(i) COMMUNITY MENTAL HEALTH PROGRAM.—For purposes of eligibility under this section, the term 'private nonprofit organization' includes a qualified community mental health program as defined under section 1913(b)(1).''.

SEC. 5. IMPROVING THE MENTAL HEALTH WORKFORCE.

(a) NATIONAL HEALTH SERVICE CORPS.—Section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)) is amended—

(1) in paragraph (1), by inserting after ''that meet the requirements of section 334'' the following: ''and qualified community mental health programs as defined in section 1913(b)(1),''; and

(2) in paragraph (2)(A), by striking ''community mental health center,''.

(b) RECRUITMENT AND RETENTION OF MENTAL HEALTH PROFESSIONALS.—Subpart X of part D of title III of the Public Health Service Act (42 U.S.C. 256f et seq.) is amended by adding at the end the following:

''SEC. 340H. GRANTS FOR RECRUITMENT AND RETENTION OF MENTAL HEALTH PROFESSIONALS.

''(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to States, territories, and Indian tribes or tribal organizations for innovative programs to address the behavioral and mental health workforce needs of designated mental health professional shortage areas.

''(b) USE OF FUNDS.—An eligible entity shall use grant funds awarded under this section for—

''(1) loan forgiveness and repayment programs (to be carried out in a manner similar to the loan repayment programs carried out under subpart III of part D) for behavioral and mental health professionals who—

''(A) agree to practice in designated mental health professional shortage areas;

''(B) are graduates of programs in behavioral or mental health;

''(C) agree to serve in community-based non-profit entities, or as public mental health professionals for the Federal, State or local government; and

''(D) agree to—

''(i) provide services to patients regardless of such patients' ability to pay; and

''(ii) use a sliding payment scale for patients who are unable to pay the total cost of services;

''(2) behavioral and mental health professional recruitment and retention efforts, with a particular emphasis on candidates from racial and ethnic minority and medically-underserved communities;

''(3) grants or low-interest or no-interest loans for behavioral and mental health professionals who participate in the Medicaid program under title XIX of the Social Security Act to establish or expand practices in designated mental health professional shortage areas, or to serve in qualified community mental health programs as defined in section 1913(b)(1);

''(4) placement and support for behavioral and mental health students, residents, trainees, and fellows or interns; or

''(5) continuing behavioral and mental health education, including distance-based education.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

''(d) MATCHING REQUIREMENT.—The Secretary may not make a grant to an eligible entity under this section unless that entity agrees that, with respect to the costs to be incurred by the entity in carrying out the activities for which the grant was awarded, the entity will provide non-Federal contributions in an amount equal to not less than 35 percent of Federal funds provided under the grant. The entity may provide the contributions in cash or in kind, fairly evaluated, including plant, equipment, and services, and may provide the contributions from State, local, or private sources.

''(e) SUPPLEMENT NOT SUPPLANT.—A grant awarded under this section shall be expended to supplement, and not supplant, the expenditures of the eligible entity and the value of in-kind contributions for carrying out the activities for which the grant was awarded.

''(f) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(g) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

''(h) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to behavioral and mental health services in designated mental health professional shortage areas.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.''.

(c) BEHAVIORAL AND MENTAL HEALTH EDUCATION AND TRAINING PROGRAMS.—Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''SEC. 506C. GRANTS FOR BEHAVIORAL AND MENTAL HEALTH EDUCATION AND TRAINING PROGRAMS.

''(a) DEFINITION.—For the purposes of this section, the term 'related mental health personnel' means an individual who—

''(1) facilitates access to a medical, social, educational, or other service; and

''(2) is not a mental health professional, but who is the first point of contact with persons who are seeking mental health services.

''(b) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall establish a program to increase the number of trained behavioral and mental health professionals and related mental health personnel by awarding grants on a competitive basis to mental and behavioral health nonprofit organizations or accredited institutions of higher education to enable such entities to establish or expand accredited mental and behavioral health education programs.

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

''(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants that—

''(1) demonstrate a familiarity with the use of evidenced-based methods in behavioral and mental health services;

''(2) provide interdisciplinary training experiences; and

''(3) demonstrate a commitment to training methods and practices that emphasize the integrated treatment of mental health and substance abuse disorders.

''(e) USE OF FUNDS.—Funds awarded under this section shall be used to—

''(1) establish or expand accredited behavioral and mental health education programs, including improving the coursework, related field placements, or faculty of such programs; or

''(2) establish or expand accredited mental and behavioral health training programs for related mental health personnel.

''(f) REQUIREMENTS.—The Secretary may award a grant to an eligible entity only if such entity agrees that—

''(1) any behavioral or mental health program assisted under the grant will prioritize cultural competency and the recruitment of trainees from racial and ethnic minority and medically-underserved communities; and

''(2) with respect to any violation of the agreement between the Secretary and the entity, the entity will pay such liquidated damages as prescribed by the Secretary.

''(g) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(h) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

''(i) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report containing data relating to whether grants provided under this section have increased access to behavioral and mental health services in designated mental health professional shortage areas.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,0000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.''.

SEC. 6. IMPROVING ACCESS TO MENTAL HEALTH SERVICES IN MEDICALLY-UNDERSERVED AREAS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by inserting after section 520A the following:

''SEC. 520B. GRANTS FOR TELE-MENTAL HEALTH IN MEDICALLY-UNDERSERVED AREAS.

''(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall award grants to eligible entities to provide tele-mental health in medically-underserved areas.

''(b) ELIGIBLE ENTITY.—To be eligible for assistance under the program under subsection (a), an entity shall be a qualified community mental health program (as defined in section 1913(b)(1)).

''(c) APPLICATION.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

''(2) ASSURANCES.—The application shall include assurances that the applicant will meet the requirements of this subsection and that the applicant possesses sufficient infrastructure to manage the activities to be funded through the grant and to evaluate and report on the outcomes resulting from such activities.

''(d) USE OF FUNDS.—An eligible entity shall use funds received under a grant under this section for—

''(1) the provision of tele-mental health services; or

''(2) infrastructure improvements for the provision of tele-mental health services.

''(e) GEOGRAPHIC DISTRIBUTION.—The Secretary shall ensure that grants awarded under this section are equitably distributed among the geographical regions of the United States and between urban and rural populations.

''(f) EVALUATION.—Not later than 3 months after a grant awarded under this section expires, an eligible entity shall submit to the Secretary the results of an evaluation to be conducted by the entity concerning the effectiveness of the activities carried out under the grant.

''(g) REPORT.—Not later than 5 years after the date of enactment of this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report that shall evaluate the activities funded under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.''.

SEC. 7. IMPROVING HEALTH INFORMATION TECHNOLOGY FOR MENTAL HEALTH PROVIDERS.

Part A of title V of the Public Health Service Act (42 U.S.C. 290aa et seq.), as amended by section 5(c), is further amended by adding at the end the following:

''SEC. 506D. IMPROVING HEALTH INFORMATION TECHNOLOGY FOR MENTAL HEALTH PROVIDERS.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Veterans Affairs, shall collaborate with the Administrator of the Substance Abuse and Mental Health Services Administration and the National Coordinator for Health Information Technology to—

''(1) develop and implement a plan for ensuring that various components of the National Health Information Infrastructure, including data and privacy standards, electronic health records, and community and regional health networks, address the needs of mental health and substance abuse treatment providers; and

''(2) finance related infrastructure improvements, technical support, personnel training, and ongoing quality improvements.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2009, and such sums as may be necessary for each of fiscal years 2010 through 2013.''.

SEC. 8. PAPERWORK REDUCTION STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Institute of Medicine shall submit to the appropriate committees of Congress a report that evaluates the combined paperwork burden of qualified community mental health programs as defined in section 1913(b)(1) of the Public Health Service Act.

(b) SCOPE.—In preparing the report under subsection (a), the Institute of Medicine shall examine licensing, certification, service definitions, claims payment, billing codes, and financial auditing requirements utilized by the Office of Management and Budget, the Centers for Medicare & Medicaid Services, the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, the Office of the Inspector General, State Medicaid agencies, State departments of health, State departments of education, and State and local juvenile justice and social service agencies to—

(1) establish an estimate of the combined nationwide cost of complying with the requirements described in this paragraph, in terms of both administrative funding and staff time;

(2) establish an estimate of the per capita cost to each qualified community mental health program defined in section 1913(b)(1) of the Public Health Service Act to comply with the requirements of this paragraph, in terms of both administrative funding and staff time; and

(3) make administrative and statutory recommendations to Congress, which may include a uniform methodology, to reduce the paperwork burden experienced by qualified community mental health programs defined in section 1913(b)(1) of the Public Health Service Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $550,000 for each of fiscal years 2009 and 2010.

SEC. 9. WAGE STUDY.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Institute of Medicine shall conduct a nationwide analysis, and submit a report to the appropriate committees of Congress, concerning the compensation structure of professional and paraprofessional personnel employed by qualified community mental health programs as defined under section 1913(b)(1) of the Public Health Service Act, as compared with the compensation structure of comparable health safety net providers and relevant private sector health care employers.

(b) SCOPE.—In preparing the report under subsection (a), the Institute of Medicine shall examine compensation disparities, if such disparities are determined to exist, by type of personnel, type of provider or private sector employer, and geographic region.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $550,000 for each of fiscal years 2009 and 2010.

By Mr. SMITH (for himself and Mr. REED):

S. 2183. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Health, Education, Labor, and Pensions. '

Mr. SMITH. Mr. President, I rise today with my colleague, Senator JACK REED of Rhode Island, to introduce two bills, S. 2182 and S. 2183, that we hope will have a tremendous impact on the quality and accessibility of mental health care throughout the U.S. Our bills, the Community Mental Health Services Improvement Act and the Community-Based Mental Health Infrastructure Improvement Act, support those programs that serve as an important line of defense against mental illnesses and suicide.

Community mental health programs are the backbone of our mental health system by providing access to vital mental health care services to those in need. Unfortunately, community mental health centers are suffering under tremendous fiscal constraints to provide care in their communities. They operate, usually, on a small budget and with little resources to improve their facilities. Senator REED and I are introducing these two bills to help community mental health centers obtain the resources necessary to meet their needs.

The goal of the Community Mental Health Services Improvement Act is to provide funding to promote the provision of mental health services locally. The bill would establish a grant program for community mental health programs to provide health care services, screenings, referrals, information technology or facility improvements. The bill also establishes grants for programs that integrate treatment for individuals with a serious mental illness and a co-occurring substance abuse disorder. Grants also would be provided to mental health nonprofit organizations or accredited institutions to establish or expand accredited mental health education and training programs. Finally, this bill will provide grants to community mental health programs for tele-mental health in medically-underserved areas.

The second bill that we are introducing today is one that is very important to mental health programs in my home State of Oregon. Currently, patients are waiting for important mental health care due to lack of building capacity. Our bill, the Community-Based Mental Health Infrastructure Improvements Act, would provide funding for bricks and mortar infrastructure for mental health programs in our communities. There is no Federal funding currently available for construction of community mental health facilities. This bill ensures that individuals with mental illness are not turned away because a facility does not have the resources to keep their building up to code or because a building expansion could not occur to keep up with a growing population because no funds were available.

In developing this legislation, I worked with the Health Resources and Services Administration, HRSA, and the Substance Abuse and Mental Health Services Administration, SAMHSA, to determine how best to make funding available for community mental health programs. This bill would encourage a continuation of this important partnership between SAMHSA, HRSA and States to ensure that competitive grant funding is made available to community mental health programs throughout the country.

We know that mental illness can affect people of any age, of any race and of any income. As a parent with a son who struggled with mental illness, I know all too well the indiscriminate nature of the illness and the frightening statistics of its regular occurrence for those we love. In any given year, more than a quarter of our Nation's adults, 60 million people, suffer from a diagnosable mental disorder, many of whom suffer in silence. Mental disorders are the leading cause of disability for those aged 15–44 in the U.S. and in Canada.

Mental illness is just as deadly and serious as a physical illness. Suicide takes the lives of more than 30,000 people each year, with more than 700,000 attempts. Suicides outnumber homicides three to one each year. People who suffer from mental illness also suffer from much higher rates of other chronic conditions, such as cardiovascular disease. However, unlike heart attacks and strokes, mental illness is not something that we, as a Nation, want to talk about.

In a 2004 report by the Oregon Governor's Mental Health Taskforce, they found that in any given year 175,000 adults and 75,000 children under the age of 18 are in need of mental health services in my home State. Effective treatment exists for most people suffering. Help is out there, and these bills will help ensure that this help can be accessed effectively.

I urge my colleagues on both sides of the aisle to support the important work of community mental health centers by voting for these bills.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2183

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 ''Community-Based Mental Health Infrastructure Improvements Act''.

SEC. 2. COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENT.

Title V of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

''PART H—COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENTS

''SEC. 560. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENTS.

''(a) GRANTS AUTHORIZED.—The Secretary may award grants to eligible entities to expend funds for the construction or modernization of facilities used to provide mental health and behavioral health services to individuals.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a State that is the recipient of a Community Mental Health Services Block Grant under subpart I of part B of title XIX and a Substance Abuse Prevention and Treatment Block Grant under subpart II of such part; or

''(2) an Indian tribe or a tribal organization (as such terms are defined in sections 4(b) and 4(c) of the Indian Self-Determination and Education Assistance Act).

''(c) APPLICATION.—A eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing—

''(1) a plan for the construction or modernization of facilities used to provide mental health and behavioral health services to individuals that—

''(A) designates a single State or tribal agency as the sole agency for the supervision and administration of the grant;

''(B) contains satisfactory evidence that such agency so designated will have the authority to carry out the plan;

''(C) provides for the designation of an advisory council, which shall include representatives of nongovernmental organizations or groups, and of the relevant State or tribal agencies, that aided in the development of the plan and that will implement and monitor any grant awarded to the eligible entity under this section;

''(D) in the case of an eligible entity that is a State, includes a copy of the State plan under section 1912(b) and section 1932(b);

''(E)(i) includes a listing of the projects to be funded by the grant; and

''(ii) in the case of an eligible entity that is a State, explains how each listed project helps the State in accomplishing its goals and objectives under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part;

''(F) includes assurances that the facilities will be used for a period of not less than 10 years for the provision of community-based mental health or substance abuse services for those who cannot pay for such services, subject to subsection (e); and

''(G) in the case of a facility that is not a public facility, includes the name and executive director of the entity who will provide services in the facility; and

''(2) with respect to each construction or modernization project described in the application—

''(A) a description of the site for the project;

''(B) plans and specifications for the project and State or tribal approval for the plans and specifications;

''(C) assurance that the title for the site is or will be vested with either the public entity or private nonprofit entity who will provide the services in the facility;

''(D) assurance that adequate financial resources will be available for the construction or major rehabilitation of the project and for the maintenance and operation of the facility;

''(E) estimates of the cost of the project; and

''(F) the estimated length of time for completion of the project.

''(d) SUBGRANTS BY STATES.—

''(1) IN GENERAL.—A State that receives a grant under this section may award a subgrant to a qualified community program (as such term is used in section 1913(b)(1)).

''(2) USE OF FUNDS.—Subgrants awarded pursuant to paragraph (1) may be used for activities such as—

''(A) the construction, expansion, and modernization of facilities used to provide mental and behavioral health services to individuals;

''(B) acquiring and leasing facilities and equipment (including paying the costs of amortizing the principal of, and paying the interest on, loans for such facilities and equipment) to support or further the operation of the subgrantee; and

''(C) the construction and structural modification (including equipment acquisition) of facilities to permit the integrated delivery of behavioral health and primary care of specialty medical services to individuals with co-occurring mental illnesses and chronic medical or surgical diseases at a single service site.

''(e) REQUEST TO TRANSFER OBLIGATION.—An eligible entity that receives a grant under this section may submit a request to the Secretary for permission to transfer the 10-year obligation of facility use, as described in subsection (c)(1)(F), to another facility.

''(f) AGREEMENT TO FEDERAL SHARE.—As a condition of receipt of a grant under this section, an eligible entity shall agree, with respect to the costs to be incurred by the entity in carrying out the activities for which such grant is awarded, that the entity will make available non-Federal contributions (which may include State or local funds, or funds from the qualified community program) in an amount equal to not less than $1 for every $1 of Federal funds provided under the grant.

''(g) REPORTING.—

''(1) REPORTING BY STATES.—During the 10-year period referred to in subsection (c)(1)(F), the Secretary shall require that a State that receives a grant under this section submit, as part of the report of the State required under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part, a description of the progress on—

''(A) the projects carried out pursuant to the grant under this section; and

''(B) the assurances that the facilities involved continue to be used for the purpose for which they were funded under such grant during such 10-year period.

''(2) REPORTING BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The Secretary shall establish reporting requirements for Indian tribes and tribal organizations that receive a grant under this section. Such reporting requirements shall include that such Indian tribe or tribal organization provide a description of the progress on—

''(A) the projects carried out pursuant to the grant under this section; and

''(B) the assurances that the facilities involved continue to be used for the purpose for which they were funded under such grant during the 10-year period referred to in subsection (c)(1)(F).

''(h) FAILURE TO MEET OBLIGATIONS.—

''(1) IN GENERAL.—If an eligible entity that receives a grant under this section fails to meet any of the obligations of the entity required under this section, the Secretary shall take appropriate steps, which may include—

''(A) requiring that the entity return the unused portion of the funds awarded under this section for the projects that are incomplete; and

''(B) extending the length of time that the entity must ensure that the facility involved is used for the purposes for which it is intended, as described in subsection (c)(1)(F).

''(2) HEARING.—Prior to requesting the return of the funds under paragraph (1)(B), the Secretary shall provide the entity notice and opportunity for a hearing.

''(i) COLLABORATION.—The Secretary may establish intergovernmental and interdepartmental memorandums of agreement as necessary to carry out this section.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. SALAZAR, and Mr. SANDERS):

S. 2186. A bill to permit individuals who are employees of a grantee that is receiving funds under section 330 of the Public Health Service Act to enroll in health insurance coverage provided under the Federal Employees Health Benefits Program; to the Committee on Homeland Security and Governmental Affairs.

Mr. SMITH. Mr. President, today I am introducing the Community Health Center Employee Health Coverage Act of 2007, a bill that will help provide community health centers, or CHCs, better access to more affordable health insurance for their employees. I am pleased to have my colleagues Senators BINGAMAN, SALAZAR and SANDERS join me as original cosponsors on this important proposal.

CHCs form the backbone of the Nation's health care safety net. They provide essential medical services to some of our most vulnerable citizens, including the uninsured and Medicaid and Medicare beneficiaries. In my home State of Oregon, health centers provide over 130 points of access, where upwards of 180,000 individuals receive care each year. Approximately 41 percent of those served are uninsured and 36 percent are on Medicaid, and most all reside in either a rural or economically depressed area. Clearly, CHCs have an important role in ensuring that those who otherwise might be unable to afford health coverage have access to the care they need.

CHCs also serve their patients in a very efficient manner. Studies have shown that care provided Medicaid patients at CHCs costs 30 percent less than care provided in other settings. This is mainly due to a lower number of specialty referrals and fewer overall hospital admissions. CHCs effectively demonstrate how focusing on primary and preventive care can help keep individuals healthier, which ultimately enhances their lives and saves the broader health care system money. Above and beyond the efficiencies CHCs have achieved in service delivery, patients report overwhelming satisfaction for the treatment they are provided. Health care providers across the spectrum would be well-served by emulating CHCs' example of delivering affordable, high-quality health care in an efficient manner.

Given the enormous value CHCs have to the U.S. health care system, I believe Congress should do all it can to support their mission. I commend President Bush's commitment to increasing funding for health center expansion in recent years. I am pleased the administration's request for $180

million in new funding in fiscal year 2007 was included in the Senate's version of the budget resolution. As the appropriations process continues to move forward, I hope that those much-needed funds are ultimately approved by Congress.

The bill I am filing today will compliment the increased funding CHCs have received in recent years. Just like businesses across the nation, health centers are coping with the rising cost of providing health benefit to their employees. Premiums for private health insurance grew by 9.5 percent in 2005, the fifth consecutive year of increases over 9 percent. Because CHCs operate on very limited budgets, it has become more and more difficult for them to absorb these increased costs while continuing to provide affordable health care to their patients.

It is important to note that CHCs rely upon the Federal Government for more than half of their operating revenues. Each year, health centers receive 26 percent of their funding from direct Federal grants and another 36 percent from the Medicaid Program. Because CHCs are predominantly a Federal enterprise, I believe it makes sense for them to be able to reap many of the same benefits of other Federal entities. That is why the bill I am filing today would allow CHCs to purchase more affordable health insurance coverage for their employees through the Federal Employee Health Benefits Program, FEHBP.

Allowing federally funded entities to purchase health coverage through FEHBP is not unprecedented. Employees of Gallaudet University and certain U.S. Department of Agriculture grantees already are able to participate in FEHBP as if they were directly employed by the Federal Government. Considering that CHC providers are already deemed ''Federal employees'' for the purpose of receiving medical liability protection through the Federal Government, it is a logical next step to allow them to purchase health coverage through FEHBP. In doing so, we will be able to provide CHCs much needed security in knowing that their employees will have steady access to affordable health insurance.

I believe that in the long run, CHCs will be able to achieve a great deal of savings by purchasing health coverage for their employees through FEHBP. Premiums for policies purchased through FEHBP consistently grow at a much slower rate than other commercial policies. Every dollar CHCs save in employee benefit costs can be redirected into medical care for the vulnerable populations they serve. Access to FEHBP coverage also may help some CHCs provide health benefits to their employees for the first time. This could help recruit much needed medical personnel in underserved and rural communities. I am hopeful health centers in rural parts of my State will be able to attract the physicians they so desperately need by offering them FEHBP coverage.

There is wide support for CHCs in the Senate, as evidenced by the development of a number of CHC-related measures. Earlier this year, I joined a group of bipartisan Senators in filing the Community Health Center Reauthorization Act, to ensure that vulnerable populations have access to basic health care for the next several years. I hope the Senate's leadership will move these bills quickly through the process, as a sign of appreciation for the important role CHCs play in the U.S. health care system.

I ask unanimous consent that full text of the bill be printed in the RECORD.

S. 2186

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 ''Community Health Center Employee Health Coverage Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Federally Qualified Health Centers (referred to in this section as ''FQHCs'') are required under section 330 of the Public Health Service Act (42 U.S.C. 254b) to be located in, and serve, a community that is designated as ''medically underserved''.

(2) FQHCs are required under such section 330 to make its services available to all residents of the community, without regard to ability to pay, and to make those services affordable by discounting charges for otherwise uncovered care to low-income families in accordance with family income.

(3) FQHCs are required under such section 330 to provide comprehensive primary health care services, including preventive care, care for illness or injury, services which improve the accessibility of care, and the effectiveness of care.

(4) FQHCs are required under such section 330 to be governed by a board of directors, a majority of whose members are active, registered patients of the health center, thus ensuring that the center is responsive to the health care needs of the community it serves.

(5) FQHCs delivered comprehensive primary and preventive care to more than 16,000,000 people in 2006, more than 6,000,000 of whom had no health insurance coverage.

(6) FQHCs employ nearly 100,000 people across the United States.

(7) FQHCs are being challenged by increasing financial pressures that jeopardize their ability to provide health services to medically underserved populations, including the elderly, the uninsured, and lower-income individuals.

(8) Health insurance costs in the small employer market have risen more than 30 percent in the past 2 years, forcing many FQHCs to use additional Federal funding to continue to provide health insurance coverage for their employees.

(9) The Federal Government negotiates premiums with health insurance companies for millions of Federal employees, thereby ensuring the best possible rates under the Federal Employee Health Benefit Program (referred to in this section as ''FEHBP'').

(10) Last year FEHBP premiums increased 6.6 percent, far less than that of even large employers.

(11) FQHCs receive Federal grants from the Health Resource and Services Administration that help cover the cost of providing high quality, affordable health care for everyone in their communities, including the uninsured.

(12) FQHCs use a portion of their Federal grant to cover the cost of health insurance for their employees.

(13) As health insurance premiums rise, FQHCs may be forced to reduce health insurance coverage for their own employees, or reduce the availability of care in their communities.

(14) Last year, almost 1,400,000 Americans joined the ranks of the uninsured—bringing our Nation's total to more than 47,000,000 people without health insurance, while another 30,000,000 or more are underinsured.

(15) The uninsured are in significantly worse health than those with health insurance, receive fewer preventive services, are less likely to receive regular care for chronic diseases, and are more likely to be hospitalized for a condition that could have been treated more effectively with timely access to ambulatory care.

(16) Adding FQHC employees to the list of those covered under the FEHBP would help control rising health insurance costs, reduce the cost of providing health insurance to their employees, and enable centers to use scarce funds to continue providing care in their communities.

SEC. 3. ADDITION OF HEALTH CENTER EMPLOYEES TO FEHBP.

(a) DEFINITIONS.—Section 8901(l) of title 5, United States Code, is amended—

(1) in subparagraph (H), by striking ''and'' at the end;

(2) in subparagraph (I), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(J) an individual who is an employee of a federally qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))) that has elected to offer coverage under this chapter or who is an employee of a grantee that is receiving funds under section 330(l) of the Public Health Service Act (42 U.S.C. 254b(l)) that has elected to offer coverage under this chapter.''.

(b) EMPLOYEES HEALTH BENEFITS FUND.—Section 8909 of title 5, United States Code, is amended by adding at the end the following:

''(h) An individual who is an employee of a federally qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))) who has elected coverage under this chapter or who is an employee of a grantee that is receiving funds under section 330(l) of the Public Health Service Act (42 U.S.C. 254b(l)) who has elected coverage under this chapter shall be required to pay currently into the Employees Health Benefits Fund, under arrangements satisfactory to the Office, an amount equal to the sum of—

''(1) the employee and agency contributions which would be required in the case of an employee enrolled in the same health benefits plan and level of benefits; and

''(2) an amount, determined under regulations prescribed by the Office, necessary for administrative expenses, but not to exceed 2 percent of the total amount under clause (i).''.

By Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. SALAZAR, Mr. SMITH, Mr. AKAKA, and Mr. SANDERS):

S. 2188. A bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of

services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senators Snowe, Salazar, Smith, Akaka, and Sanders to introduce the Medicare Access to Community Health Center, MATCH, Act, which would address a long standing problem for a key component of our Nation's health care safety net, community health centers. These facilities serve as medical homes to nearly 16 million underserved patients. Over 1 million of those patients are Medicare beneficiaries. Health centers are known for providing high quality, comprehensive care to some of our Nation's most vulnerable populations.

Over 15 years ago, Congress created the Federally Qualified Health Center, FQHC, Medicare benefit to ensure that health centers were not forced to subsidize Medicare payments with Federal grant dollars. Congress required centers to be paid their reasonable costs for providing care to their patients. The Centers for Medicare and Medicaid Services later established a per visit payment cap in regulations based on a statute applicable to Rural Health Clinics. CMS applied the cap to FQHCs without meaningful data to support the payment limit but with the promise of future reviews to guarantee that health centers were adequately reimbursed. However, these reviews have not taken place. Now, 15 years later, over ¾ of health centers are losing money serving Medicare beneficiaries, with losses totaling over $50 million annually according to an analysis done by the National Association of Community Health Centers. In my home State of New Mexico, NACHC estimates that health centers have lost more than a million dollars annually.

I have repeatedly asked CMS to review this antiquated cap but I have had little success. So I rise today to introduce legislation to improve the Medicare payment mechanism for FQHCs. MATCH will establish a Prospective Payment System for FQHCs, based on actual cost of providing care to health center patients. This new mechanism mirrors the successful Medicaid FQHC Prospective Payment System. By reforming the payment structure at FQHCs, we will ensure health centers are able to dedicate their Federal grant dollars for their original intent, providing care to the uninsured. This new mechanism will also increase efficiency and stability in the Medicare program for health centers.

This legislation is long overdue. I ask my colleagues to join me in strengthening the Medicare FQHC program to ensure that health centers can continue to provide high quality, affordable primary and preventive care to our Nation's seniors and people with disabilities.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2188

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Access to Community Health Centers (MATCH) Act of 2007''.

SEC. 2. FINDINGS.

Congress finds that:

(1) NATIONAL IMPORTANCE.—Community health centers serve as the medical home and family physician to over 16,000,000 people nationally. Patients of community health centers represent 1 in 7 low-income persons, 1 in 8 uninsured Americans, 1 in 9 Medicaid beneficiaries, 1 in 10 minorities, and 1 in 10 rural residents.

(2) HEALTH CARE SAFETY NET.—Because Federally qualified health centers (FQHCs) are generally located in medically underserved areas, the patients of Federally qualified health centers are disproportionately low income, uninsured or publicly insured, and minorities, and they frequently have poorer health and more complicated, costly medical needs than patients nationally. As a chief component of the health care safety net, Federally qualified health centers are required by regulation to serve all patients, regardless of insurance status or ability to pay.

(3) MEDICARE BENEFICIARIES.—Medicare beneficiaries are typically less healthy and, therefore, costlier to treat than other patients of Federally qualified health centers. Medicare beneficiaries tend to have more complex health care needs as—

(A) more than half of Medicare patients have at least 2 chronic conditions;

(B) 45 percent take 5 or more medications; and

(C) over half of Medicare beneficiaries have more than 1 prescribing physician.

(4) NEED TO IMPROVE FQHC PAYMENT.—While the Centers for Medicare & Medicaid Services have nearly 15 years' worth of cost report data from Federally qualified health centers, which would equip the agency to develop a new Medicare reimbursement system, the agency has failed to update and improve the Medicare FQHC payment system.

SEC. 3. EXPANSION OF MEDICARE-COVERED PRIMARY AND PREVENTIVE SERVICES AT FEDERALLY QUALIFIED HEALTH CENTERS.

(a) IN GENERAL.—Section 1861(aa)(3) of the Social Security Act (42 U.S.C. 1395x(aa)(3)) is amended to read as follows:

''(3) The term 'Federally qualified health center services' means—

''(A) services of the type described in subparagraphs (A) through (C) of paragraph (1), and such other ambulatory services furnished by a Federally qualified health center for which payment may otherwise be made under this title if such services were furnished by a health care provider or health care professional other than a Federally qualified health center; and

''(B) preventive primary health services that a center is required to provide under section 330 of the Public Health Service Act,

when furnished to an individual as a patient of a Federally qualified health center and such services when provided by a health care provider or health care professional employed by or under contract with a Federally qualified health center and for this purpose, any reference to a rural health clinic or a physician described in paragraph (2)(B) is deemed a reference to a Federally qualified health center or a physician at the center, respectively. Services described in the previous sentence shall be treated as billable visits for purposes of payment to the Federally qualified health center.''.

(b) CONFORMING AMENDMENT TO PERMIT PAYMENT FOR HOSPITAL-BASED SERVICES.—Section 1862(a)(14) of such Act (42 U.S.C. 1395y(a)(14)) is amended by inserting ''Federally qualified health center services,'' after ''qualified psychologist services,''.

(c) EFFECTIVE DATES.—The amendments made by subsections (a) and (b) shall apply to services furnished on or after January 1, 2008.

SEC. 4. ESTABLISHMENT OF A MEDICARE PROSPECTIVE PAYMENT SYSTEM FOR FEDERALLY QUALIFIED HEALTH CENTER SERVICES.

(a) IN GENERAL.—Paragraph (3) section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) is amended to read as follows:

''(3)(A) in the case of services described in section 1832(a)(2)(D)(i) the costs which are reasonable and related to the furnishing of such services or which are based on such other tests of reasonableness as the Secretary may prescribe in regulations including those authorized under section 1861(v)(1)(A), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A) but in no case may the payment for such services (other than for items and services described in 1861(s)(10)(A)) exceed 80 percent of such costs; and

''(B) in the case of services described in section 1832(a)(2)(D)(ii) furnished by a Federally qualified health center—

''(i) subject to clauses (iii) and (iv), for services furnished on and after January 1, 2008, during the center's fiscal year that ends in 2008, an amount (calculated on a per visit basis) that is equal to 100 percent of the average of the costs of the center of furnishing such services during such center's fiscal years ending during 2006 and 2007 which are reasonable and related to the cost of furnishing such services, or which are based on such other tests of reasonableness as the Secretary prescribes in regulations including those authorized under section 1861(v)(1)(A) (except that in calculating such cost in a center's fiscal years ending during 2006 and 2007 and applying the average of such cost for a center's fiscal year ending during fiscal year 2008, the Secretary shall not apply a per visit payment limit or productivity screen), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items or services described in section 1861(s)(10)(A)) exceed 80 percent of such average of such costs;

''(ii) subject to clauses (iii) and (iv), for services furnished during the center's fiscal year ending during 2009 or a succeeding fiscal year, an amount (calculated on a per visit basis and without the application of a per visit limit or productivity screen) that is equal to the amount determined under this subparagraph for the center's preceding fiscal year (without regard to any copayment)—

''(I) increased for a center's fiscal year ending during 2009 by the percentage increase in the MEI (as defined in section 1842(i)(3)) applicable to primary care services (as defined in section 1842(i)(4)) for 2009 and increased for a center's fiscal year ending during 2010 or any succeeding fiscal year by the percentage increase for such year of a market basket of Federally qualified health center costs as developed and promulgated through regulations by the Secretary; and

''(II) adjusted to take into account any increase or decrease in the scope of services, including a change in the type, intensity, duration, or amount of services, furnished by the center during the center's fiscal year,

less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items or services described in section 1861(s)(10)(A)) exceed 80 percent of the amount determined under this clause (without regard to any copayment);

''(iii) subject to clause (iv), in the case of an entity that first qualifies as a Federally qualified health center in a center's fiscal year ending after 2007—

''(I) for the first such center fiscal year, an amount (calculated on a per visit basis and without the application of a per visit payment limit or productivity screen) that is equal to 100 percent of the costs of furnishing such services during such center fiscal year based on the per visit payment rates established under clause (i) or (ii) for a comparable period for other such centers located in the same or adjacent areas with a similar caseload or, in the absence of such a center, in accordance with the regulations and methodology referred to in clause (i) or based on such other tests of reasonableness (without the application of a per visit payment limit or productivity screen) as the Secretary may specify, less the amount a provider may charge as described in clause (ii) of section 1866 (a)(2)(A), but in no case may the payment for such services (other than for items and services described in section 1861(s)(10)(A)) exceed 80 percent of such costs; and

''(II) for each succeeding center fiscal year, the amount calculated in accordance with clause (ii); and

''(iv) with respect to Federally qualified health center services that are furnished to an individual enrolled with a MA plan under part C pursuant to a written agreement described in section 1853(a)(4) (or, in the case of MA private fee for service plan, without such written agreement) the amount (if any) by which—

''(I) the amount of payment that would have otherwise been provided under clauses (i), (ii), or (iii) (calculated as if '100 percent' were substituted for '80 percent' in such clauses) for such services if the individual had not been enrolled; exceeds

''(II) the amount of the payments received under such written agreement (or, in the case of MA private fee for service plans, without such written agreement) for such services (not including any financial incentives provided for in such agreement such as risk pool payments, bonuses, or withholds) less the amount the Federally qualified health center may charge as described in section 1857(e)(3)(B);''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services furnished on or after January 1, 2008.

By Mr. DODD (for himself and Mr. DURBIN):

S. 2189. A bill to provide for educational opportunities for all students in State public school systems, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Student Bill of Rights. This bill would ensure that every child in America has an equal opportunity to receive a high quality education.

The Student Bill of Rights would achieve this goal by providing America's children with components needed for a solid education. These components include highly qualified teachers, challenging curricula, small classes, current textbooks, quality libraries, and up-to-date technology.

Currently, federal law requires that schools within the same district provide comparable educational services. The Student Bill of Rights would extend that basic guarantee of equal opportunity to the state level by requiring comparability of resources across school districts within a state.

More than 50 years ago, Brown v. Board of Education struck down segregation in law. Over 50 years later, we know that just because there is no segregation in law does not mean that it does not persist. Today, our education system remains largely separate and unequal, and in light of a recent Supreme Court decision, we need to find more creative ways to promote equity in our schools.

All too often, where a child's family can afford to live determines whether that child is taught by a high quality teacher, has access to the best courses and instructional materials, goes to school in a new, modern building, and otherwise benefits from educational resources that have been shown to be essential to a quality education. In fact, the U.S. ranks at the bottom among developed countries in the disparity in the quality of schools available to wealthy and low-income children. This gap is simply unacceptable, and it is why the Student Bill of Rights is so important to our children's ability to gain the skills they need to be responsible, participating citizens in our diverse democracy, and to compete and succeed in the global economy.

While other factors such as supportive parents, motivated peers, and positive role models in the community are also beneficial to academic achievement, we know that adequate resources are crucial to providing students with the opportunity to receive a solid education.

The quality of a child's education should not be determined by his or her ZIP code. The Student Bill of Rights will help ensure that each and every child gets a decent education, and in turn, an equal opportunity for a successful future. I hope that my colleagues will join me in supporting the Student Bill of Rights.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2189

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 ''Student Bill of Rights''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings and purposes.

TITLE I—ACCESS TO EDUCATIONAL OPPORTUNITY

Sec. 101. State public school systems.
Sec. 102. Fundamentals of educational opportunity.

TITLE II—STATE ACCOUNTABILITY

Sec. 201. State accountability plan.
Sec. 202. Consequences of failure to meet requirements.

TITLE III—REPORT TO CONGRESS AND THE PUBLIC

Sec. 301. Annual report on State public school systems.

TITLE IV—REMEDY

Sec. 401. Civil action for enforcement.

TITLE V—GENERAL PROVISIONS

Sec. 501. Definitions.
Sec. 502. Rulemaking.
Sec. 503. Construction.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) A high-quality, highly competitive education for all students is imperative for the economic growth and productivity of the United States, for its effective national defense, and to achieve the historical aspiration to be one Nation of equal citizens. It is therefore necessary and proper to overcome the nationwide phenomenon of State public school systems that do not meet the requirements of section 101(a), in which high-quality public schools typically serve high-income communities and poor-quality schools typically serve low-income, urban, rural, and minority communities.

(2) In 2005, the National Academies found in their report ''Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future'' that the inadequate preparation of kindergarten through grade 12 students in science and mathematics, including the significant lack of teachers qualified to teach these subjects, threatens the economic prosperity of the United States. When students do not receive quality mathematics and science preparation in kindergarten through grade 12, they are not prepared to take advanced courses in these subjects at the postsecondary level, leaving the United States with a critical shortage of scientists and engineers—a shortfall being filled by professionals from other countries.

(3) There exists in the States a significant educational opportunity gap for low-income, urban, rural, and minority students characterized by the following:

(A) Continuing disparities within States in students' access to the fundamentals of educational opportunity described in section 102.

(B) Highly differential educational expenditures (adjusted for cost and need) among school districts within States.

(C) Radically differential educational achievement among students in school districts within States as measured by the following:

(i) Achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(ii) Advanced placement courses taken.

(iii) SAT and ACT test scores.

(iv) Dropout rates and graduation rates.

(v) College-going and college-completion rates.

(4) As a consequence of this educational opportunity gap, the quality of a child's education depends largely upon where the child's family can afford to live, and the detriments of lower quality education are imposed particularly on—

(A) children from low-income families;

(B) children living in urban and rural areas; and

(C) minority children.

(5) Since 1785, Congress, exercising the power to admit new States under section 3 of

article IV of the Constitution (and previously, the Congress of the Confederation of States under the Articles of Confederation), has imposed upon every State, as a fundamental condition of the State's admission, that the State provide for the establishment and maintenance of systems of public schools open to all children in such State.

(6) Over the years since the landmark ruling in Brown v. Board of Education, 347 U.S. 483, 493 (1954), when a unanimous Supreme Court held that ''the opportunity of an education . . . , where the State has undertaken to provide it, is a right which must be made available to all on equal terms'', courts in 44 States have heard challenges to the establishment, maintenance, and operation of State public school systems that are separate and not educationally adequate.

(7) In 1970, the Presidential Commission on School Finance found that significant disparities in the distribution of educational resources existed among school districts within States because the States relied too significantly on local district financing for educational revenues, and that reforms in systems of school financing would increase the Nation's ability to serve the educational needs of all children.

(8) In 1999, the National Research Council of the National Academy of Sciences published a report entitled ''Making Money Matter, Financing America's Schools'', which found that the concept of funding adequacy, which moves beyond the more traditional concepts of finance equity to focus attention on the sufficiency of funding for desired educational outcomes, is an important step in developing a fair and productive educational system.

(9) In 2001, the Executive Order establishing the President's Commission on Educational Resource Equity declared, ''A quality education is essential to the success of every child in the 21st century and to the continued strength and prosperity of our Nation. . . . [L]ong-standing gaps in access to educational resources exist, including disparities based on race and ethnicity.'' (Exec. Order No. 13190, 66 Fed. Reg. 5424 (2001)).

(10) According to the Secretary of Education, as stated in a letter (with enclosures) from the Secretary to States dated January 19, 2001—

(A) racial and ethnic minorities continue to suffer from lack of access to educational resources, including ''experienced and qualified teachers, adequate facilities, and instructional programs and support, including technology, as well as . . . the funding necessary to secure these resources''; and

(B) these inadequacies are ''particularly acute in high-poverty schools, including urban schools, where many students of color are isolated and where the effect of the resource gaps may be cumulative. In other words, students who need the most may often receive the least, and these students often are students of color.''.

(11) In the amendments made by the No Child Left Behind Act of 2001, Congress—

(A)(i) required each State to establish standards and assessments in mathematics, reading or language arts, and science; and

(ii) required schools to ensure that all students are proficient in mathematics, reading or language arts, and science not later than 12 years after the end of the 2001–2002 school year, and held schools accountable for the students' progress; and

(B) required each State to describe how the State will help local educational agencies and schools to develop the capacity to improve student academic achievement.

(12) The standards and accountability movement will succeed only if, in addition to standards and accountability, all schools have access to the educational resources necessary to enable students to achieve.

(13) Raising standards without ensuring access to educational resources may in fact exacerbate achievement gaps and set children up for failure.

(14) According to the World Economic Forum's Global Competitiveness Report 2001–2002, the United States ranks last among developed countries in the difference in the quality of schools available to rich and poor children.

(15) The persistence of pervasive inadequacies in the quality of education provided by State public school systems effectively deprives millions of children throughout the United States of the opportunity for an education adequate to enable the children to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(16) Each State government has ultimate authority to determine every important aspect and priority of the public school system that provides elementary and secondary education to children in the State, including whether students throughout the State have access to the fundamentals of educational opportunity described in section 102.

(17) Because a well educated populace is critical to the Nation's political and economic well-being and national security, the Federal Government has a substantial interest in ensuring that States provide a high-quality education by ensuring that all students have access to the fundamentals of educational opportunity described in section 102 to enable the students to succeed academically and in life.

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

(1) To further the goals of the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001), by holding States accountable for providing all students with access to the fundamentals of educational opportunity described in section 102.

(2) To ensure that all students in public elementary schools and secondary schools receive educational opportunities that enable such students to—

(A) acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice;

(B) meet challenging student academic achievement standards; and

(C) be able to compete and succeed in a global economy.

(3) To end the pervasive pattern of States maintaining public school systems that do not meet the requirements of section 101(a).

TITLE I—ACCESS TO EDUCATIONAL OPPORTUNITY

SEC. 101. STATE PUBLIC SCHOOL SYSTEMS.

(a) REQUIREMENTS.—Each State receiving Federal financial assistance for elementary or secondary education shall ensure that the State's public school system provides all students within the State with an education that enables the students to acquire the knowledge and skills necessary for responsible citizenship in a diverse democracy, including the ability to participate fully in the political process through informed electoral choice, to meet challenging student academic achievement standards, and to be able to compete and succeed in a global economy, through—

(1) the provision of fundamentals of educational opportunity described in section 102, at adequate or ideal levels as defined by the State under section 201(a)(1)(A) to students at each public elementary school and secondary school in the State;

(2) the provision of educational services in school districts that receive funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) that are, taken as a whole, at least comparable to educational services provided in school districts not receiving such funds; and

(3) compliance with any final Federal or State court order in any matter concerning the adequacy or equitableness of the State's public school system.

(b) DETERMINATIONS CONCERNING STATE PUBLIC SCHOOL SYSTEMS.—Not later than October 1 of each year, the Secretary shall determine whether each State maintains a public school system that meets the requirements of subsection (a). The Secretary may make a determination that a State public school system does not meet such requirements only after providing notice and an opportunity for a hearing.

(c) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the determinations made under subsection (b).

SEC. 102. FUNDAMENTALS OF EDUCATIONAL OPPORTUNITY.

The fundamentals of educational opportunity are the following:

(1) HIGHLY QUALIFIED TEACHERS, PRINCIPALS, AND ACADEMIC SUPPORT PERSONNEL.—

(A) HIGHLY QUALIFIED TEACHERS.—Instruction from highly qualified teachers in core academic subjects.

(B) HIGHLY QUALIFIED PRINCIPALS.—Leadership, management, and guidance from principals who meet State certification standards.

(C) HIGHLY QUALIFIED ACADEMIC SUPPORT PERSONNEL.—Necessary additional academic support in reading or language arts, mathematics, and other core academic subjects from personnel who meet applicable State standards.

(2) RIGOROUS ACADEMIC STANDARDS, CURRICULA, AND METHODS OF INSTRUCTION.—Rigorous academic standards, curricula, and methods of instruction, as measured by the extent to which each school district succeeds in providing high-quality academic standards, curricula, and methods of instruction to students in each public elementary school and secondary school within the district.

(3) SMALL CLASS SIZES.—Small class sizes, as measured by—

(A) the average class size and the range of class sizes; and

(B) the percentage of elementary school classes with 17 or fewer students.

(4) TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND SUPPLIES.—Textbooks, instructional materials, and supplies, as measured by—

(A) the average age and quality of textbooks, instructional materials, and supplies used in core academic subjects; and

(B) the percentage of students who begin the school year with school-issued textbooks, instructional materials, and supplies.

(5) LIBRARY RESOURCES.—Library resources, as measured by—

(A) the size and qualifications of the library's staff, including whether the library is staffed by a full-time librarian certified under applicable State standards;

(B) the size (relative to the number of students) and quality (including age) of the library's collection of books and periodicals; and

(C) the library's hours of operation.

(6) SCHOOL FACILITIES AND COMPUTER TECHNOLOGY.—

(A) QUALITY SCHOOL FACILITIES.—Quality school facilities, as measured by—

(i) the physical condition of school buildings and major school building features;

(ii) environmental conditions in school buildings; and

(iii) the quality of instructional space.

(B) COMPUTER TECHNOLOGY.—Computer technology, as measured by—

(i) the ratio of computers to students;

(ii) the quality of computers and software available to students;

(iii) Internet access;

(iv) the quality of system maintenance and technical assistance for the computers; and

(v) the number of computer laboratory courses taught by qualified computer instructors.

(7) QUALITY GUIDANCE COUNSELING.—Qualified guidance counselors, as measured by the ratio of students to qualified guidance counselors who have been certified under an applicable State or national program.

TITLE II—STATE ACCOUNTABILITY

SEC. 201. STATE ACCOUNTABILITY PLAN.

(a) GENERAL PLAN.—

(1) CONTENTS.—Each State receiving Federal financial assistance for elementary and secondary education shall annually submit to the Secretary a plan, developed by the State educational agency, in consultation with local educational agencies, teachers, principals, pupil services personnel, administrators, other staff, and parents, that contains the following:

(A) A description of 2 levels of high access (adequate and ideal) to each of the fundamentals of educational opportunity described in section 102 that measure how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(B) A description of a third level of access (basic) to each of the fundamentals of educational opportunity described in section 102 that measures how well the State, through school districts, public elementary schools, and public secondary schools, is achieving the purposes of this Act by providing children with the resources they need to succeed academically and in life.

(C) A description of the level of access of each school district, public elementary school, and public secondary school in the State to each of the fundamentals of educational opportunity described in section 102, including identification of any such schools that lack high access (as described in subparagraph (A)) to any of the fundamentals.

(D) An estimate of the additional cost, if any, of ensuring that the system meets the requirements of section 101(a).

(E) Information stating the percentage of students in each school district, public elementary school, and public secondary school in the State that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)).

(F) Information stating whether each school district, public elementary school, and public secondary school in the State is making adequate yearly progress, as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)).

(G)(i) For each school district, public elementary school, and public secondary school in the State, information stating—

(I) the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such school district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(2) LEVELS OF ACCESS.—For purposes of the plan submitted under paragraph (1)—

(A) in defining basic, adequate, and ideal levels of access to each of the fundamentals of educational opportunity, each State shall consider, in addition to the factors described in section 102, the access available to students in the highest-achieving decile of public elementary schools and secondary schools, the unique needs of low-income, urban and rural, and minority students, and other educationally appropriate factors; and

(B) the levels of access described in subparagraphs (A) and (B) of paragraph (1) shall be aligned with the challenging academic content standards, challenging student academic achievement standards, and high-quality academic assessments required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(3) INFORMATION.—The State shall annually disseminate to parents, in an understandable and uniform format, the descriptions, estimate, and information described in paragraph (1).

(b) ACCOUNTABILITY AND REMEDIATION.—

(1) ACCOUNTABILITY.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(1), the plan submitted under subsection (a)(1) shall—

(A) demonstrate that the State has developed and is implementing a single, statewide State accountability system that will be effective in ensuring that the State makes adequate yearly progress under this Act (as defined by the State in a manner that annually reduces the number of public elementary schools and secondary schools in the State without high access (as described in subsection (a)(1)(A)) to each of fundamentals of educational opportunity described in section 102);

(B) demonstrate, based on the levels of access described in paragraph (1) what constitutes adequate yearly progress of the State under this Act toward providing all students with high access to the fundamentals of educational opportunity described in section 102; and

(C) ensure—

(i) the establishment of a timeline for that adequate yearly progress that includes interim yearly goals for the reduction of the number of public elementary schools and secondary schools in the State without high access to each of the fundamentals of educational opportunity described in section 102; and

(ii) that not later than 12 years after the end of the 2005–2006 school year, each public elementary school in the State shall have access to each of the fundamentals of educational opportunity described in section 102.

(2) REMEDIATION.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(2), not later than 1 year after the Secretary makes the determination, the State shall include in the plan submitted under subsection (a)(1) a strategy to remediate the conditions that caused the Secretary to make such determination, not later than the end of the second school year beginning after submission of the plan.

(c) AMENDMENTS.—A State may amend the plan submitted under subsection (a)(1) to improve the plan or to take into account significantly changed circumstances.

(d) DISAPPROVAL.—The Secretary may disapprove the plan submitted under subsection (a)(1) (or an amendment to such a plan) if the Secretary determines, after notice and opportunity for hearing, that the plan (or amendment) is inadequate to meet the requirements described in subsections (a) and (b).

(e) WAIVER.—

(1) IN GENERAL.—A State may request, and the Secretary may grant, a waiver of the requirements of subsections (a) and (b) for 1 year for exceptional circumstances, such as a precipitous decrease in State revenues, or another circumstance that the Secretary determines to be exceptional, that prevents a State from complying with the requirements of subsections (a) and (b).

(2) CONTENTS OF WAIVER REQUEST.—A State that requests a waiver under paragraph (1) shall include in the request—

(A) a description of the exceptional circumstance that prevents the State from complying with the requirements of subsections (a) and (b); and

(B) a plan that details the manner in which the State will comply with such requirements by the end of the waiver period.

SEC. 202. CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.

(a) INTERIM YEARLY GOALS.—

(1) IN GENERAL.—For a fiscal year and a State described in section 201(b)(1), the Secretary shall withhold from the State 2.75 percent of funds otherwise available to the State for the administration of Federal elementary and secondary education programs, for each covered goal that the Secretary determines the State is not meeting during that year.

(2) DEFINITION.—In this subsection, the term ''covered goal'', used with respect to a fiscal year, means an interim yearly goal described in section 201(b)(1)(C)(i) that is applicable to that year or a prior fiscal year.

(b) CONSEQUENCES OF NONREMEDIATION.—Notwithstanding any other provision of law, if the Secretary determines that a State required to include a strategy under section 201(b)(2) continues to maintain a public school system that does not meet the requirements of section 101(a)(2) at the end of the second school year described in section 201(b)(2), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) until the Secretary determines that the State maintains a public school system that meets the requirements of section 101(a)(2).

(c) CONSEQUENCES OF NONCOMPLIANCE WITH COURT ORDERS.—If the Secretary determines under section 101(b) that a State maintains a public school system that fails to meet the requirements of section 101(a)(3), the Secretary shall withhold from the State not more than 33⅓ percent of funds otherwise available to the State for the administration of programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(d) DISPOSITION OF FUNDS WITHHELD.—

(1) DETERMINATION.—Not later than 1 year after the Secretary withholds funds from a State under this section, the Secretary shall determine whether the State has corrected the condition that led to the withholding.

(2) DISPOSITION.—

(A) CORRECTION.—If the Secretary determines under paragraph (1), that the State has corrected the condition that led to the withholding, the Secretary shall make the

withheld funds available to the State to use for the original purpose of the funds during 1 or more fiscal years specified by the Secretary.

(B) NONCORRECTION.—If the Secretary determines under paragraph (1), that the State has not corrected the condition that led to the withholding, the Secretary shall allocate the withheld funds to public school districts, public elementary schools, or public secondary schools in the State that are most adversely affected by the condition that led to the withholding, to enable the districts or schools to correct the condition during 1 or more fiscal years specified by the Secretary.

(3) AVAILABILITY.—Amounts made available or allocated under subparagraph (A) or (B) of paragraph (2) shall remain available during the fiscal years specified by the Secretary under that subparagraph.

TITLE III—REPORT TO CONGRESS AND THE PUBLIC

SEC. 301. ANNUAL REPORT ON STATE PUBLIC SCHOOL SYSTEMS.

(a) ANNUAL REPORT TO CONGRESS.—Not later than October 1 of each year, beginning the year after completion of the first full school year after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes a full and complete analysis of the public school system of each State.

(b) CONTENTS OF REPORT.—The analysis conducted under subsection (a) shall include the following:

(1) PUBLIC SCHOOL SYSTEM INFORMATION.—The following information related to the public school system of each State:

(A) The number of school districts, public elementary schools, public secondary schools, and students in the system.

(B)(i) For each such school district and school—

(I) information stating the number and percentage of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); and

(II) the number and percentage of students, disaggregated by groups described in section 1111(b)(3)(C)(xiii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(xiii)).

(ii) For each such district, information stating whether the district is an urban, mixed, or rural district (as defined by the National Center for Education Statistics).

(C) The average per-pupil expenditure (both in actual dollars and adjusted for cost and need) for the State and for each school district in the State.

(D) Each school district's decile ranking as measured by achievement in mathematics, reading or language arts, and science on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) and on the National Assessment of Educational Progress.

(E) For each school district, public elementary school, and public secondary school—

(i) the level of access (as described in section 201(a)(1)) to each of the fundamentals of educational opportunity described in section 102;

(ii) the percentage of students that are proficient in mathematics, reading or language arts, and science, as measured through assessments administered as described in section 1111(b)(3)(C)(v) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)(C)(v)); and

(iii) whether the school district or school is making adequate yearly progress—

(I) as defined under section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)); and

(II) as defined by the State under section 201(b)(1)(A).

(F) For each State, the number of public elementary schools and secondary schools that lack, and names of each such school that lacks, high access (as described in section 201(a)(1)(A)) to any of the fundamentals of educational opportunity described in section 102.

(G) For the year covered by the report, a summary of any changes in the data required in subparagraphs (A) through (F) for each of the preceding 3 years (which may be based on such data as are available, for the first 3 reports submitted under subsection (a)).

(H) Such other information as the Secretary considers useful and appropriate.

(2) STATE ACTIONS.—For each State that the Secretary determines under section 101(b) maintains a public school system that fails to meet the requirements of section 101(a), a detailed description and evaluation of the success of any actions taken by the State, and measures proposed to be taken by the State, to meet the requirements.

(3) STATE PLANS.—A copy of each State's most recent plan submitted under section 201(a)(1).

(4) RELATIONSHIP BETWEEN COMPLIANCE AND ACHIEVEMENT.—An analysis of the relationship between meeting the requirements of section 101(a) and improving student academic achievement, as measured on State academic assessments required under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)).

(c) SCOPE OF REPORT.—The report required under subsection (a) shall cover the school year ending in the calendar year in which the report is required to be submitted.

(d) SUBMISSION OF DATA TO SECRETARY.—Each State receiving Federal financial assistance for elementary and secondary education shall submit to the Secretary, at such time and in such manner as the Secretary may reasonably require, such data as the Secretary determines to be necessary to make a determination under section 101(b) and to submit the report under this section. Such data shall include the information used to measure the State's success in providing the fundamentals of educational opportunity described in section 102.

(e) FAILURE TO SUBMIT DATA.—If a State fails to submit the data that the Secretary determines to be necessary to make a determination under section 101(b) regarding whether the State maintains a public school system that meets the requirements of section 101(a)—

(1) such State's public school system shall be deemed not to have met the applicable requirements until the State submits such data and the Secretary is able to make such determination under section 101(b); and

(2) the Secretary shall provide, to the extent practicable, the analysis required in subsection (a) for the State based on the best data available to the Secretary.

(f) PUBLICATION.—The Secretary shall publish and make available to the general public (including by means of the Internet) the report required under subsection (a).

TITLE IV—REMEDY

SEC. 401. CIVIL ACTION FOR ENFORCEMENT.

A student or parent of a student aggrieved by a violation of this Act may bring a civil action against the appropriate official in an appropriate Federal district court seeking declaratory or injunctive relief to enforce the requirements of this Act, together with reasonable attorney's fees and the costs of the action.

TITLE V—GENERAL PROVISIONS

SEC. 501. DEFINITIONS.

In this Act:

(1) REFERENCED TERMS.—The terms ''elementary school'', ''secondary school'', ''local educational agency'', ''highly qualified'', ''core academic subjects'', ''parent'', and ''average per-pupil expenditure'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) FEDERAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—The term ''Federal elementary and secondary education programs'' means programs providing Federal financial assistance for elementary or secondary education, other than programs under the following provisions of law:

(A) The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(B) Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.).

(C) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(D) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(3) PUBLIC SCHOOL SYSTEM.—The term ''public school system'' means a State's system of public elementary and secondary education.

(4) STATE.—The term ''State'' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 502. RULEMAKING.

The Secretary may prescribe regulations to carry out this Act.

SEC. 503. CONSTRUCTION.

Nothing in this Act shall be construed to require a jurisdiction to increase its property tax or other tax rates or to redistribute revenues from such taxes.

Mr. ROCKEFELLER:

S. 2190. A bill to amend title XVIII of the Social Security Act to provide for the inclusion of barbiturates and bezodiazepines as covered part D drugs beginning in 2008; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I rise to introduce the Medicare Mental Health Prescription Drug Access Act of 2007—legislation to provide our Nation's seniors and individuals with disabilities access to the mental health drugs that best meet their needs.

As many of my colleagues are aware, nearly one out of four Americans, 58 million people, will experience a mental illness during any given year, and a large number of them will be senior citizens and individuals with disabilities.

For far too long, mental illness has been shrouded in fear, misunderstanding and stigma. I believe it is long past time for us to address the inequitable treatment of mental illness in our broader health care system. Mental health parity is a critical part of the solution. We must fulfill the intent of the 1996 mental health parity law and expand the definition of parity to include deductibles, co-payments, coinsurance, out-of-pocket expenses, as well as scope and duration of treatment.

However, parity alone is not a panacea to the problem of treating mental illness in this country. We must improve the range of mental health illnesses and treatment options covered by health plans, particularly for children and seniors.

This year in the Senate, we have taken a major step toward improving

access to mental health services for children by passing the Children's Health Insurance Program, CHIP, Reauthorization Act, H.R. 976, not once, but twice. Among the many important provisions included in this legislation, which I co-authored, is a provision that requires the private health insurance plans that administer CHIP to provide mental health services for children that are equivalent to the coverage provided for physical illnesses. In other words, we require full mental health parity for children enrolled in CHIP.

I still believe that we must do more to ensure that all children have the broadest health care coverage possible for mental health screening and treatment, along the lines of what is provided to children enrolled in Medicaid through the Early Periodic Screening Diagnosis and Treatment, EPSDT, program. However, we have taken a significant step in the right direction toward addressing the mental health needs of our nation's children by passing the CHIP reauthorization bill.

Unfortunately, the same is not true for our nation's seniors and individuals with disabilities. We haven't done nearly enough to address their mental health needs. In fact, we have taken a step backwards in the mental health coverage provided to Medicare participants, particularly those that are dually eligible for Medicare and Medicaid.

Many of my colleagues will recall that the Medicare Prescription Drug, Improvement and Modernization Act of 2003 excluded certain classes of medications from the newly-created Medicare prescription drug program. Among the prescription drugs excluded were two important classes of mental health drugs, benzodiepines and barbiturates, central nervous system depressants which have multiple clinical benefits.

Benzodiazepines and barbiturates are used to help seniors and individuals with disabilities who are dealing with a variety of conditions including anxiety, depression, insomnia, panic disorders, muscle spasms and seizures. Despite being some of the oldest and most effective medications for the treatment of mental illness, benzodiazepines and barbiturates are currently unavailable to most seniors and individuals with disabilities enrolled in Medicare. That is just wrong.

Patients who have found success with benzodiazepines and barbiturates are reluctant to change prescriptions because of the potential side effects or the understandable fear that their conditions might return. Often, there is also an increased cost associated with alternative medications, but the efficacy of these ''replacement'' drugs may actually be less than benzodiazepines and barbiturates. So, why should we require MediCare participants to use prescription drugs that could cost more without offering any greater clinical benefit? I don't believe we should. Medicare participants deserve affordable access to the prescription medications that are best suited to treat their conditions.

Many of my colleagues may be wondering why these two classes of prescription drugs were excluded from the Medicare prescription drug program in the first place. They were excluded because of an inappropriate application of existing Medicaid law to the Medicare prescription drug program. The 1990 law that established the Medicaid prescription drug rebate program gave state Medicaid agencies the OPTION to exclude barbiturates and benzodiazepines from their drug formularies. Even though no states have excluded these medications from their Medicaid formularies, the Medicare law makes this exclusion MANDATORY for seniors and individuals with disabilities.

It is unfair to restrict access to prescribed medications that have been proven to be safe and effective in the treatment of mental illnesses and other conditions that commonly affect seniors and the disabled. That is why I am introducing this important piece of legislation today, and I urge my colleagues to support it.

We know that mental illness is treatable, and treatment can help people to live healthy, productive lives. Yet, our Nation's focus on mental health has continued to take a backseat to our focus on physical health even though the two are interrelated. We must act now to bring an end to the silent epidemic of mental illness in our country.

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. 2190

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Mental Health Prescription Drug Access Act of 2007''.

SEC. 2. INCLUSION OF BARBITURATES AND BENZODIAZEPINES AS COVERED PART D DRUGS BEGINNING IN 2008.

Section 1860D–2(e)(2)(A) of the Social Security Act (42 U.S.C. 1395w–102(e)(2)(A)) is amended by inserting ''and, beginning in 2008, other than subparagraphs (I) (relating to barbiturates) and (J) (relating to benzodiazepines) of such section'' after ''agents)''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 349—HONORING VICE PRESIDENT ALBERT GORE, JR., AND THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE FOR RECEIVING THE 2007 NOBEL PEACE PRIZE, IN RECOGNITION OF THEIR EFFORTS TO PROMOTE UNDERSTANDING OF THE THREATS POSED BY GLOBAL WARMING

Mr. REID (for himself, Mrs. BOXER, Mr. DURBIN, Mr. CARDIN, Mr. OBAMA, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. WHITEHOUSE, Mr. HARKIN, Mr. SCHUMER, Mr. REED, Mr. DODD, Mrs. FEINSTEIN, Mr. KOHL, Mr. NELSON of Florida, Ms. MIKULSKI, Mr. LAUTENBERG, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 349

Whereas the Norwegian Nobel Committee selected Vice President Albert Arnold (Al) Gore, Jr., and the Intergovernmental Panel on Climate Change (IPCC) as Nobel Peace Prize Laureates for 2007, acknowledging them ''for their efforts to build up and disseminate greater knowledge about man-made climate change, and to lay the foundations for the measures that are needed to counteract such change'';

Whereas the Nobel Committee found that Vice President Gore ''became aware at an early stage of the climatic challenges the world is facing'', and that his ''strong commitment . . . has strengthened the struggle against climate change'';

Whereas the IPCC, according to the Nobel Committee, is composed of thousands of scientists and officials from more than 100 countries, has sponsored research and scientific collaboration over the last 2 decades and ''has created an ever-broader informed consensus about the connection between human activities and global warming: and

Whereas the Nobel Committee stated that Vice President Gore ''is probably the single individual who has done most to create greater worldwide understanding of the measures that need to be adopted'' to combat global warming, Now, therefore, be it

Resolved, That the Senate honors Vice President Albert Arnold Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their longstanding efforts to promote understanding of the threats posed by global warming.

SENATE RESOLUTION 350—HONORING THE ACHIEVEMENTS OF MARIO R. CAPECCHI, SIR MARTIN J. EVANS, AND OLIVER SMITHIES, WINNERS OF THE 2007 NOBEL PRIZE IN PHYSIOLOGY OR MEDICINE

Mr. HATCH (for himself, Mr. BENNETT, Mrs. DOLE, and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 350

Whereas Mario R. Capecchi was born in Italy in 1937 and earned a PhD in biophysics from Harvard University in 1967;

Whereas Sir Martin J. Evans was born in Great Britain in 1941 and earned a PhD in anatomy and embryology from University College in London in 1969;

Whereas Oliver Smithies was born in Great Britain in 1925 and earned a PhD in biochemistry from Oxford University in 1951;

Whereas Mario Capecchi currently serves as Distinguished Professor of Human Genetics and Biology at the University of Utah School of Medicine;

Whereas Sir Martin J. Evans currently serves as the Professor of Mammalian Genetics and Director of the School of Biosciences at Cardiff University in Wales;

Whereas Oliver Smithies currently serves as an Excellence Professor of Pathology and Laboratory Medicine at the University of North Carolina at Chapel Hill;

Whereas Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies have made a series of discoveries concerning embryonic

stem cells and deoxyribonucleic acid (DNA) recombination in mammals that have led to the creation of gene targeting in mice, a powerful technology that is now being used in all areas of biomedicine;

Whereas gene targeting technology has been used in experiments that have successfully isolated genes in order to determine their roles in embryonic development, adult physiology, aging, and disease;

Whereas gene targeting has produced more than 500 different mouse models of human disorders, including cardiovascular and neuron degenerative diseases, diabetes, and cancer;

Whereas, on October 8, 2007, Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies were awarded the Nobel Prize in Physiology or Medicine for their discoveries of principles for introducing specific gene modifications in mice by the use of embryonic stem cells: Now, therefore, be it

Resolved, That the Senate—

(1) honors and recognizes the scientific work and achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies; and

(2) congratulates Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies for their receipt of the Nobel Prize in Physiology or Medicine.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3324. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. VITTER, Mr. DEMINT, Mr. MARTINEZ, Mr. ISAKSON, Mrs. DOLE, Mr. CORNYN, Mr. GRAHAM, Mr. ALEXANDER, Mr. ROBERTS, Mr. ENZI, Mr. COBURN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3325. Mr. HARKIN (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 3043, supra.

SA 3326. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3327. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3328. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3329. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3330. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3331. Mr. REID (for Mr. OBAMA (for himself and Mr. DURBIN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3332. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3333. Mr. THUNE (for himself, Ms. STABENOW, Mr. CRAPO, Mr. CONRAD, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3334. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3335. Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3336. Mrs. FEINSTEIN (for herself and Mr. KYL) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3337. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3338. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3339. Mr. HARKIN (for Mr. SMITH) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3340. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3341. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3342. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3343. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3344. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3345. Mr. DORGAN (for himself, Mr. BROWN, Ms. STABENOW, and Mr. CASEY) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3346. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3347. Mr. MENENDEZ proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

SA 3348. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

SA 3349. Mr. BROWN (for himself, Mrs. LINCOLN, Mr. OBAMA, Mr. FEINGOLD, Ms. COLLINS, Mr. WYDEN, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3043, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3324. Mr. SESSIONS (for himself, Mr. INHOFE, Mr. VITTER, Mr. DEMINT, Mr. MARTINEZ, Mr. ISAKSON, Mrs. DOLE, Mr. CORNYN, Mr. GRAHAM, Mr. ALEXANDER, Mr. ROBERTS, Mr. ENZI, Mr. COBURN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 24, strike ''$436,397,000'' and insert ''$441,397,000, of which $50,737,000 is for the Office of Labor Management Standards,''.

On page 26, line 6, strike ''$313,400,000, of which $82,516,000'' and insert ''$308,400,000, of which $77,516,000''.

SA 3325. Mr. HARKIN (for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, namely:

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING RESCISSION)

For necessary expenses of the Workforce Investment Act of 1998 (WIA), the Denali Commission Act of 1998, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,587,138,000, plus reimbursements, is available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, and dislocated worker employment and training activities, $2,994,510,000 as follows:

(A) $864,199,000 for adult employment and training activities, of which $152,199,000 shall be available for the period July 1, 2008 to June 30, 2009, and of which $712,000,000 shall be available for the period October 1, 2008 through June 30, 2009;

(B) $940,500,000 for youth activities, which shall be available for the period April 1, 2008 through June 30, 2009; and

(C) $1,189,811,000 for dislocated worker employment and training activities, of which $341,811,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $848,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That notwithstanding the transfer limitation under section 133(b)(4) of the WIA, up to 30 percent of such funds may be transferred by a local board if approved by the Governor:

(2) for federally administered programs, $481,540,000 as follows:

(A) $282,092,000 for the dislocated workers assistance national reserve, of which $3,700,000 shall be available on October 1, 2007, of which $66,392,000 shall be available for the period July 1, 2008 through June 30, 2009, and of which $212,000,000 shall be available for the period October 1, 2008 through June 30, 2009: *Provided*, That up to $125,000,000 may be made available for Community-Based Job Training Grants from funds reserved under section 132(a)(2)(A) of the WIA and shall be used to carry out such grants under section 171(d) of such Act, except that the 10 percent limitation otherwise applicable to

the amount of funds that may be used to carry out section 171(d) shall not be applicable to funds used for Community-Based Job Training grants: *Provided further*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for State-wide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That $1,500,000 shall be for a non-competitive grant to the AFL–CIO Working for America Institute, which shall be awarded not later than 30 days after the date of enactment of this Act: *Provided further*, That $2,200,000 shall be for a non-competitive grant to the AFL–CIO Appalachian Council, Incorporated, for Job Corps career transition services, which shall be awarded not later than 30 days after the date of enactment of this Act;

(B) $53,696,000 for Native American programs, which shall be available for the period July 1, 2008 through June 30, 2009;

(C) $79,752,000 for migrant and seasonal farmworkers, including $74,302,000 for formula grants, $4,950,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $500,000 for other discretionary purposes, which shall be available for the period July 1, 2008 through June 30, 2009: *Provided*, That, notwithstanding any other provision of law or related regulation, the Department shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2008 through June 30, 2009; and

(E) $65,000,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2008 through June 30, 2009;

(3) for national activities, $111,088,000, which shall be available for the period July 1, 2008 through July 30, 2009 as follows:

(A) $30,650,000 for Pilots, Demonstrations, and Research, of which $27,650,000 shall be available for noncompetitive grants, with the terms, conditions and amounts specified in the committee report of the Senate accompanying this Act: *Provided*, That funding provided to carry out projects under section 171 of the WIA that are identified in the committee report accompanying this Act, shall not be subject to the requirements of section 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $13,642,000 for ex-offender activities, under the authority of section 171 of the Act, notwithstanding the requirements of sections 171(b)(2)(B) or 171(c)(4)(D);

(C) $4,921,000 for Evaluation under section 172 of the WIA; and

(D) $6,875,000 for the Denali Commission, which shall be available for the period July 1, 2008 through June 30, 2009.

Of the amounts made available under this heading in Public Law 107–116 to carry out the activities of the National Skills Standards Board, $44,063 are hereby rescinded.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $483,611,000, which shall be available for the period July 1, 2008 through June 30, 2009.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2008 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter II of the Trade Act of 1974 and section 246 of that Act; and for training, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2, title II of the Trade Act of 1974 (including the benefits and services described under sections 123(c)(2) and 151(b) and (c) of the Trade Adjustment Assistance Reform Act of 2002, Public Law 107–210), $888,700,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2008.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $98,409,000, together with not to exceed $3,248,223,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''the Trust Fund''), of which:

(1) $2,510,723,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $10,000,000 to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under sections 8501–8523 of title 5, United States Code, and the administration of trade readjustment allowances and alternative trade adjustment assistance under the Trade Act of 1974, and shall be available for obligation by the States through December 31, 2008, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2010, and funds used for unemployment insurance workloads experienced by the States through September 30, 2008 shall be available for Federal obligation through December 31, 2008;

(2) $10,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $693,000,000 from the Trust Fund, together with $22,883,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009;

(4) $34,000,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, the administration of activities, including foreign labor certifications, under the Immigration and Nationality Act, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $55,985,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and shall be available for Federal obligation for the period July 1, 2008 through June 30, 2009; and

(6) $19,541,000 is to provide for work incentive grants to the States and shall be available for the period July 1, 2008 through June 30, 2009:

Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2008 is projected by the Department of Labor to exceed 2,786,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87.

In addition, $40,000,000 from the Employment Security Administration Account of the Unemployment Trust Fund shall be available to conduct in-person reemployment and eligibility assessments in one-stop career centers of claimants of unemployment insurance: *Provided*, That not later than 180 days following the end of the current fiscal year, the Secretary shall submit an interim report to the Congress that includes available information on expenditures, number of individuals assessed, and outcomes from the assessments: *Provided further*, That not later than 18 months following the end of the fiscal year, the Secretary of Labor shall submit to the Congress a final report containing comprehensive information on the estimated savings that result from the assessments of claimants and identification of best practices.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2009, $437,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2008, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $91,133,000, together with not to exceed $94,372,000, which may be

expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $143,262,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2008, for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2008 shall be available for obligations for administrative expenses in excess of $411,151,000: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget and the Committees on Appropriations of the House and Senate: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2008, an amount not to exceed an additional $9,200,000 shall be available for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional $50,000 shall be made available for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $436,397,000, together with $2,111,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided*, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

Of the unobligated funds collected pursuant to section 286(v) of the Immigration and Nationality Act, $70,000,000 are hereby rescinded.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $203,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2007, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2008: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $52,280,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $21,855,000.

(2) For automated workload processing operations, including document imaging, centralized mail intake and medical bill processing, $16,109,000.

(3) For periodic roll management and medical review, $14,316,000.

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275 (the ''Act''), $208,221,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2009, $62,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $104,745,000, to remain available until expended: *Provided*, That the Secretary of Labor is authorized to transfer to any executive agency with authority under the Energy Employees Occupational Illness Compensation Program Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2008 to carry out those authorities: *Provided further*, That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed: *Provided further*, That not later than 30 days after enactment, in addition to other sums transferred by the Secretary of Labor to the National Institute for Occupational Safety and Health (''NIOSH'') for the administration of the Energy Employees Occupational Illness Compensation Program (''EEOICP''), the Secretary of Labor shall transfer $4,500,000 to NIOSH from the funds appropriated to the Energy Employees Occupational Illness Compensation Fund (42 U.S.C. 7384e), for use by or in support of the Advisory Board on Radiation and Worker Health (''the Board'') to carry out its statutory responsibilities under the EEOICP (42 U.S.C. 7384n–q), including obtaining audits, technical assistance and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2008 and thereafter, such sums as may be necessary from the Black Lung Disability Trust Fund, to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended; and interest on advances, as authorized by section 9501(c)(2) of that Act. In addition, the following amounts shall be available from the Fund for fiscal year 2008 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $32,761,000 for transfer to the Employment Standards Administration ''Salaries and Expenses''; not to exceed $24,785,000 for transfer to Departmental Management, ''Salaries and Expenses''; not to exceed $335,000 for transfer to Departmental Management ''Office of Inspector General''; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $498,445,000, including not to exceed $91,093,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (the ''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2008, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory

recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $10,116,000 shall be available for Susan Harwood training grants, of which $3,200,000 shall be used for the Institutional Competency Building training grants which commenced in September 2000, for program activities for the period of October 1, 2007, to September 30, 2008, provided that a grantee has demonstrated satisfactory performance: *Provided further*, That such grants shall be awarded not later than 30 days after the date of enactment of this Act.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $330,028,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, $2,200,000 for an award to the United Mine Workers Association, for classroom and simulated rescue training for mine rescue teams, and $1,350,000 for an award to the Wheeling Jesuit University, for the National Technology Transfer Center for a coal slurry impoundment project; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $482,000,000, together with not to exceed $78,000,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $5,000,000 may be used to fund the mass layoff statistics program under section 15 of the Wagner-Peyser Act (29 U.S.C. 491–2): *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $27,712,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental activities conducted by or through the Bureau of International Labor Affairs, including bilateral and multilateral technical assistance and other international labor activities, $313,400,000, of which $82,516,000 is for the Bureau of International Labor Affairs, and of which $22,000,000 is for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; together with not to exceed $318,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

OFFICE OF JOB CORPS

To carry out subtitle C of title I of the Workforce Investment Act of 1998 (29 U.S.C. 2881 et. seq.), including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,659,872,000, plus reimbursements, as follows:

(1) $1,516,000,000 for Job Corps Operations, of which $925,000,000 is available for obligation for the period July 1, 2008 through June 30, 2009 and of which $591,000,000 is available for obligation for the period October 1, 2008 through June 30, 2009;

(2) $115,000,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $15,000,000 is available for the period July 1, 2008 through June 30, 2009 and $100,000,000 is available for the period October 1, 2008 through June 30, 2011; and

(3) $28,872,000 for necessary expenses of the Office of Job Corps is available for obligation for the period October 1, 2007 through September 30, 2008:

Provided, That the Office of Job Corps shall have contracting authority: *Provided further*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: *Provided further*, That none of the funds made available in this Act shall be used to reduce Job Corps total student training slots below 44,791 in program year 2008.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $197,143,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2008, of which $1,967,000 is for the National Veterans' Employment and Training Services Institute. To carry out the Homeless Veterans Reintegration Programs (38 U.S.C. 2021) and the Veterans Workforce Investment Programs (29 U.S.C. 2913), $31,055,000, of which $7,435,000 shall be available for obligation for the period July 1, 2008, through June 30, 2009.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $73,929,000, together with not to exceed $5,729,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Appropriations Committees of both Houses of Congress

are notified at least 15 days in advance of any transfer.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. There is authorized to be appropriated such sums as may be necessary to the Denali Commission through the Department of Labor to conduct job training of the local workforce where Denali Commission projects will be constructed.

SEC. 105. The Secretary shall prepare and submit not later than July 1, 2008, to the Committees on Appropriations of the Senate and of the House an operating plan that outlines the planned allocation by major project and activity of fiscal year 2008 funds made available for section 171 of the Workforce Investment Act.

SEC. 106. None of the funds available in this Act or available to the Secretary of Labor from other sources for Community College Initiative Grants, Community-Based Job Training Grants, and grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 107. None of the funds made available in this or any other Act shall be available to finalize or implement any proposed regulation under the Workforce Investment 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.

SEC. 108. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in 20 CFR 667.220 for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary of Labor to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

SEC. 109. None of the funds available in this Act may be used to carry out a public-private competition or direct conversion under Office of Management and Budget Circular A–76 or any successor administrative regulation, directive or policy until 60 days after the Government Accountability Office provides a report to the Committees on Appropriations of the House of Representatives and the Senate on the use of competitive sourcing at the Department of Labor.

SEC. 110. (a) Not later than June 20, 2008, the Secretary of Labor shall revise regulations prescribed pursuant to section 303(y) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 863(y)) to require, in any coal mine, regardless of the date on which it was opened, that belt haulage entries not be used to ventilate active working places without prior approval from the Assistant Secretary of Labor.

(b) Not later than June 15, 2008, the Secretary of Labor shall issue regulations, pursuant to the design criteria recommended by the National Institute of Occupational Safety and Health and section 13 of the MINER Act (Public Law 109–236), requiring installation of rescue chambers in the working areas of underground coal mines.

SEC. 111. None of the funds appropriated in this Act under the heading ''Employment and Training Administration'' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

This title may be cited as the ''Department of Labor Appropriations Act, 2008''.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, IV, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E, and 711, and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and section 712 of the American Jobs Creation Act of 2004, $6,843,673,000, of which $191,235,000 shall be available for construction and renovation (including equipment) of health care and other facilities and other health-related activities as specified in the committee report of the Senate accompanying this Act, and of which $38,538,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $220,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That $40,000,000 of the funding provided for community health centers shall be for base grant adjustments for existing health centers: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $40,000 is available until expended for carrying out the provisions of 42 U.S.C. 233(o) including associated administrative expenses and relevant evaluations: *Provided further*, That no more than $44,055,000 is available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, $300,000,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $814,546,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out Parts A, B, C, and D of title XXVI of the Public Health Service Act to fund section 2691 Special Projects of National Significance: *Provided further*, That, notwithstanding section 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $95,936,920 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $10,586,238 is available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further*, That of the funds provided, $39,283,000 shall be provided to the Denali Commission as a direct lump payment pursuant to Public Law 106–113: *Provided further*, That of the funds available under this heading, $1,829,511,000 shall remain available to the Secretary until September 30, 2010, for parts A and B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.; relating to Ryan White Emergency Relief Grants and CARE Grants): *Provided further*, That of the funds provided, $25,000,000 shall be provided for the Delta Health Initiative as authorized in section 222 of this Act and associated administrative expenses: *Provided further*, That notwithstanding section 747(e)(2) of the PHS Act, and not less than $5,000,000 shall be for general dentistry programs and not less than $5,000,000 shall be for pediatric dentistry programs and not less than $24,614,000 shall be for family medicine programs: *Provided further*, That where prior year funds were disbursed under this appropriation account as Health Care and Other Facilities grants (and were used for the purchase, construction, or major alteration of property; or the purchase of equipment), the Federal interest in such property or equipment shall last for a period of 5 years following the completion of the project and terminate at that time: *Provided further*, That if the property use changes (or the property is transferred or sold) and the Government is compensated for its proportionate interest in the property, the Federal interest in such property shall be terminated: *Provided further*, That for projects where 5 years has already elapsed since completion, the Federal interest shall be terminated immediately.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM ACCOUNT

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service

Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $2,906,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided,* That for necessary administrative expenses, not to exceed $3,528,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, and the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and for expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,157,169,000, of which $220,000,000 shall remain available until expended for equipment, construction and renovation of facilities; of which $581,335,000 shall remain available until expended for the Strategic National Stockpile; and of which $122,769,000 for international HIV/AIDS shall remain available until September 30, 2009. In addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided,* That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the Public Health Service Act: (1) $12,794,000 to carry out the National Immunization Surveys; (2) $108,585,000 to carry out the National Center for Health Statistics surveys; (3) $24,751,000 to carry out information systems standards development and architecture and applications-based research used at local public health levels; (4) $463,000 for Health Marketing evaluations; (5) $31,000,000 to carry out Public Health Research; and (6) $92,071,000 to carry out research activities within the National Occupational Research Agenda: *Provided further,* That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further,* That up to $31,800,000 shall be made available until expended for Individual Learning Accounts for full-time equivalent employees of the Centers for Disease Control and Prevention: *Provided further,* That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further,* That the Congress is to be notified promptly of any such transfer: *Provided further,* That not to exceed $19,035,000 may be available for making grants under section 1509 of the Public Health Service Act to not less than 15 States, tribes, or tribal organizations: *Provided further,* That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further,* That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18: *Provided further,* That of the funds appropriated, $10,000 is for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further,* That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the Public Health Service Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further,* That if States are eligible, up to $30,000,000 shall be used to implement section 2625 of the Public Health Service Act (42 U.S.C. 300ff–33; relating to the Ryan White early diagnosis grant program): *Provided further,* That $16,890,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,910,160,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the NCI-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,992,197,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $398,602,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,747,784,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,573,268,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,668,472,000: *Provided,* That $300,000,000 may be made available to International Assistance Programs ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended: *Provided further,* That such sums obligated in fiscal years 2003 through 2007 for extramural facilities construction projects are to remain available until expended for disbursement, with prior notification of such projects to the Committees on Appropriations of the House of Representatives and the Senate.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,978,601,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,282,231,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $681,962,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $656,176,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,073,048,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $519,810,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $402,680,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $140,456,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $445,702,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,022,594,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,436,001,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $497,031,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $304,319,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,177,997,000: *Provided,* That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $124,213,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $203,895,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $68,000,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $327,817,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2008, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out National Information Center on Health Services Research and Health Care Technology and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $1,145,790,000, of which up to $25,000,000 shall be used to carry out section 217 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $500,000 shall be available to carry out section 499 of the Public Health Service Act: *Provided further*, That $110,900,000 shall be available to carry out the National Children's Study: *Provided further*, That $531,300,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act: *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director, NIH may spend up to $4,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the Public Health Service Act.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $121,081,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act (''PHS Act'') with respect to substance abuse and mental health services, the Protection and Advocacy for Individuals with Mental Illness Act, and section 301 of the PHS Act with respect to program management, $3,278,135,000, of which $10,335,000 shall be available for projects and in the amounts specified in the committee report accompanying this Act: *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,413,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $21,750,000 to carry out national surveys on drug abuse; and (4) $4,300,000 to evaluate substance abuse treatment programs.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $329,564,000; and in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That no amount shall be made available pursuant to section 927(c) of the Public Health Service Act for fiscal year 2008.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $141,628,056,000, to remain available until expended.

For making, after May 31, 2008, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2008 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2009, $67,292,669,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $188,828,000,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $3,248,088,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $49,869,000, to remain available until September 30, 2009, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That $253,775,000, to remain available until September 30, 2009, is for CMS Medicare contracting reform activities: *Provided further*, That funds appropriated under this heading are available for the Healthy Start, Grow Smart program under which the Centers for Medicare and Medicaid Services may, directly or through grants, contracts, or cooperative agreements, produce and distribute informational materials including, but not limited to, pamphlets and brochures on infant and toddler health care to expectant parents enrolled in the Medicaid program and to parents and guardians enrolled in such program with infants and children: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2008 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That in addition, the Secretary may charge a fee for conducting revisit surveys on health care facilities cited for deficiencies during initial certification, recertification, or substantiated complaints surveys: *Provided further*, That such fees, in an amount not to exceed $35,000,000, shall be credited to this account as offsetting collections, to remain available until expended for the purpose of conducting such revisit surveys: *Provided further*, That amounts transferred to this account from the Federal Health Insurance and Federal Supplementary Medical Insurance Trust Funds for fiscal year 2008 shall be reduced by the amount credited to this account under this paragraph: *Provided further*, That $1,625,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

HEALTH CARE FRAUD ABUSE AND CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $383,000,000, to be available until expended, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act, of which $288,480,000 is for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services to conduct oversight of activities authorized in title 18 of the Social Security Act, with oversight activities including those activities

listed in 18 U.S.C. 1893(b); of which $36,690,000 is for the Department of Health and Human Services Office of Inspector General; of which $21,140,000 is for the Department of Health and Human Services for program integrity activities in title 18, title 19 and title 21 of the Social Security Act; and of which $36,690,000 is for the Department of Justice: *Provided*, That the report required by 18 U.S.C. 1817(k)(5) for fiscal year 2008 shall include measures of the operational efficiency and impact on fraud, waste and abuse in the Medicare and Medicaid programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,949,713,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2009, $1,000,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW-INCOME HOME ENERGY ASSISTANCE

For making payments under section 2604(a)–(d) of the Low Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)–(d)), $1,980,000,000.

For making payments under section 2604(e) of the Low Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $181,170,000, notwithstanding the designation requirement of section 2602(e) of such Act.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities and for costs associated with the care and placement of unaccompanied alien children authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, and for carrying out the Torture Victims Relief Act of 1998, $654,166,000, of which up to $9,823,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act and section 462 of the Homeland Security Act of 2002 for fiscal year 2008 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2010.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,062,081,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $18,777,370 shall be available for child care resource and referral and school-aged child care activities, of which $982,080 shall be available to the Secretary for discretionary activities to support comprehensive consumer education or parental choice: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $267,785,718 shall be reserved by the States for activities authorized under section 658G, of which $98,208,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,821,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), sections 330F and 330G of the Public Health Service Act, the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B(1) of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act, sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act, and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $9,213,332,000, of which $9,500,000, to remain available until September 30, 2009, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2008: *Provided*, That $7,088,571,000 shall be for making payments under the Head Start Act, of which $1,388,800,000 shall become available October 1, 2008, and remain available through September 30, 2009: *Provided further*, That $735,281,000 shall be for making payments under the Community Services Block Grant Act: *Provided further*, That not less than $8,000,000 shall be for section 680(3)(B) of the Community Services Block Grant Act: *Provided further*, That in addition to amounts provided herein, $6,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant: *Provided further*, That funds appropriated for section 680(a)(2) of the Community Services Block Grant Act, as amended, shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $53,625,000 is for a compassion capital fund to provide grants to charitable organizations to emulate model social service programs and to encourage research on the best practices of social service organizations: *Provided further*, That $16,720,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $11,390,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,330,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $80,416,000 shall be for making competitive grants to provide abstinence education to adolescents, and for Federal costs of administering the grant: *Provided further*, That information provided through grants under the immediately preceding proviso shall be scientifically accurate and shall comply with section 317P(c)(2) of the Public Health Service Act: *Provided further*, That in addition to amounts provided herein for abstinence education for adolescents, $4,500,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out evaluations (including longitudinal evaluations) of adolescent pregnancy prevention approaches: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further*, That $7,425,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $345,000,000 and section 437, $89,100,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,067,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Act, for the first quarter of fiscal year 2009, $1,776,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,441,585,000, of which $5,500,000 shall be available for activities regarding medication management, screening, and education to prevent incorrect medication and adverse drug reactions: *Provided*, That $2,935,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, XX, and XXI of the Public Health Service Act, the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $399,386,000, together with $5,851,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund, and $46,756,000 from the amounts available under section 241 of the Public Health Service Act to carry out national health or human services research and evaluation activities: *Provided,* That of the funds made available under this heading for carrying out title XX of the Public Health Service Act, $13,120,000 shall be for activities specified under section 2003(b)(2), all of which shall be for prevention service demonstration grants under section 510(b)(2) of title V of the Social Security Act, as amended, without application of the limitation of section 2010(c) of said title XX: *Provided further,* That of this amount, $51,891,000 shall be for minority AIDS prevention and treatment activities; and $5,941,000 shall be to assist Afghanistan in the development of maternal and child health clinics, consistent with section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002; up to $4,000,000 shall be for the Secretary's discretionary fund and may be used to carry out activities authorized under the Department's statutory authorities; and $9,500,000 shall be for a Health Diplomacy Initiative and may be used to carry out health diplomacy activities such as health training, services, education, and program evaluation, provided directly, through grants, or through contracts: *Provided further,* That specific information requests from the chairmen and ranking members of the Subcommittees on Labor, Health and Human Services, and Education, and Related Agencies, on scientific research or any other matter, shall be transmitted to the Committees on Appropriations in a prompt professional manner and within the time frame specified in the request: *Provided further,* That scientific information requested by the Committees on Appropriations and prepared by government researchers and scientists shall be transmitted to the Committees on Appropriations, uncensored and without delay: *Provided further,* That funds provided in this Act for embryo adoption activities may be used to provide, to individuals adopting embryos, through grants and other mechanisms, medical and administrative services deemed necessary for such adoptions: *Provided further,* That such services shall be provided consistent with 42 CFR 59.5(a)(4): *Provided further,* That $2,100,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $70,000,000, to be transferred in appropriate part from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts and cooperative agreements for the development and advancement of an interoperable national health information technology infrastructure, $43,000,000: *Provided,* That in addition to amounts provided herein, $28,000,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out health information technology network development.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, as amended, $45,687,000: *Provided,* That of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $33,748,000, together with not to exceed $3,314,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, disease, nuclear, radiological and chemical threats to civilian populations, and for other public health emergencies, $756,556,000, of which not to exceed $22,338,000, to remain available until September 30, 2009, is to pay the costs described in section 319F–2(c)(7)(B) of the Public Health Service Act.

For expenses necessary to prepare for and respond to an influenza pandemic, $888,000,000, of which $652,000,000 shall be available until expended, for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided,* That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: *Provided further,* That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further,* That $158,000,000 shall be transferred within 30 days of enactment to the Centers for Disease Control and Prevention for pandemic preparedness activities: *Provided further,* That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

For expenses to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001, terrorist attacks on the World Trade Center, $55,000,000 to be transferred to Centers for Disease Control and Prevention, Disease Control, Research, and Training.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act may be used to implement section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 205. None of the funds appropriated in this title for Head Start shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

SEC. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

SEC. 207. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary shall determine, but not more than 2.4 percent, of any amounts appropriated for programs authorized under said Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 208. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided,* That a program, project, or activity may be increased by up to an additional 2 percent subject to approval by the House and Senate Committees on Appropriations: *Provided further,* That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 209. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers

from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Appropriations Committees of both Houses of Congress are promptly notified of the transfer.

(TRANSFER OF FUNDS)

SEC. 210. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 211. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 212. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 213. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 214. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2008, that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2008 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2007, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2007 State expenditures and all fiscal year 2008 obligations for tobacco prevention and compliance activities by program activity by July 31, 2008.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the certification described in subsection (a) as late as July 31, 2008.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 215. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad during fiscal year 2008, the Secretary of Health and Human Services—

(1) may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2669(c)). The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) and other applicable statutes administered by the Department of State; and

(2) is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

SEC. 216. The Division of Federal Occupational Health hereafter may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 217. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health may use funds available under sections 402(b)(7) and 402(b)(12) of the Public Health Service Act (42 U.S.C. 282(i)) to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research in support of the NIH Common Fund.

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director of the National Institutes of Health may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the Public Health Service Act (42 U.S.C. 241, 284(b)(1)(B), 284(b)(2), 284a(a)(3)(A), 289a, and 289c).

SEC. 218. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry may be transferred to ''Disease Control, Research, and Training'', to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 219. Notwithstanding any other provisions of law, funds made available in this Act may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408.

SEC. 220. In addition to any other amounts available for such travel, and notwithstanding any other provision of law, amounts available from this or any other appropriation for the purchase, hire, maintenance, or operation of aircraft by the Centers for Disease Control and Prevention shall be available for travel by the Secretary of Health and Human Services, the Director of the Centers for Disease Control and Prevention, and employees of the Department of Health and Human Services accompanying the Secretary or the Director during such travel.

SEC. 221. The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication to be made publicly available no later than 12 months after the official date of publication: *Provided*, That the NIH shall implement the public access policy in a manner consistent with copyright law.

SEC. 222. (a) The Secretary of Health and Human Services is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region that has as its primary purposes addressing longstanding, unmet health needs and catalyzing economic development in the Mississippi Delta.

(b) To be eligible to receive a grant under subsection (a), the Delta Health Alliance shall solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, and planning, construction, and equipment of public health-related facilities in the Mississippi Delta region.

(c) With respect to the use of grant funds under this section for construction or major alteration of property, the Federal interest in the property involved shall last for a period of 1 year following the completion of the project or until such time that the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

(d) There are authorized to be appropriated such sums as may be necessary to carry out this section in fiscal year 2008 and in each of the five succeeding fiscal years.

SEC. 223. Not to exceed $35,000,000 of funds appropriated by this Act to the Institutes and Centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 224. Of the amounts made available in this Act for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (NRSA) shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2008''.

TITLE III

DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA'') and section 418A of the Higher Education Act of 1965, $15,867,778,000, of which $6,812,554,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $8,867,301,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided,* That $6,808,407,000 shall be for basic grants under section 1124: *Provided further,* That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2007, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census: *Provided further,* That $1,365,031,000 shall be for concentration grants under section 1124A: *Provided further,* That $2,868,231,000 shall be for targeted grants under section 1125: *Provided further,* That $2,868,231,000 shall be for education finance incentive grants under section 1125A: *Provided further,* That $500,000,000 shall be for school improvement grants authorized under section 1003(g) of the ESEA: *Provided further,* That $9,330,000 shall be to carry out part E of title I: *Provided further,* That $1,634,000 shall be available for a comprehensive school reform clearinghouse.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,248,453,000, of which $1,111,867,000 shall be for basic support payments under section 8003(b), $49,466,000 shall be for payments for children with disabilities under section 8003(d), $17,820,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2009, $64,350,000 shall be for Federal property payments under section 8002, and $4,950,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided,* That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) of the Elementary and Secondary Education Act (20 U.S.C. 7703(a)) for school year 2007–2008, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by title II, part B of title IV, subparts 6 and 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; and the Civil Rights Act of 1964, $5,198,525,000, of which $3,560,485,000 shall become available on July 1, 2008, and remain available through September 30, 2009, and of which $1,435,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided,* That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further,* That from the funds referred to in the preceding proviso, not less than $1,250,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso, and $1,250,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: *Provided further,* That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further,* That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further,* That $60,000,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further,* That $34,376,000 shall be available to carry out part D of title V of the ESEA: *Provided further,* That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further,* That $18,001,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further,* That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $118,690,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by parts G and H of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (''ESEA''), $962,889,000: *Provided,* That $9,821,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: *Provided further,* That from funds for subpart 4, part C of title II, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: *Provided further,* That $317,699,000 shall be available to carry out part D of title V of the ESEA: *Provided further,* That $64,504,000 of the funds for subpart 1, part D of title V of the ESEA shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act: *Provided further,* That $99,000,000 of the funds for subpart 1 shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based teacher and principal compensation systems in high-need schools: *Provided further,* That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further,* That five percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 2, 3, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $697,112,000, of which $300,000,000 shall become available on July 1, 2008, and remain available through September 30, 2009: *Provided,* That of the amount available for subpart 2 of part A of title IV of the ESEA, $850,000 shall be used to continue the National Recognition Awards program under the same guidelines outlined by section 120(f) of Public Law 105–244: *Provided further,* That $300,000,000 shall be available for subpart 1 of part A of title IV and $222,112,000 shall be available for subpart 2 of part A of title IV, of which not less than $1,000,000, to remain available until expended, shall be for the Project School Emergency Response to Violence program to provide education-related services to local educational agencies in which the learning environment has been disrupted due to a violent or traumatic crisis: *Provided further,* That $145,000,000 shall be available to carry out part D of title V of the ESEA: *Provided further,* That of the funds available to carry out subpart 3 of part C of title II, up to $12,000,000 may be used to carry out section 2345 and $3,000,000 shall be used to implement a comprehensive program to improve public knowledge, understanding and support of the Congress and the State legislatures.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the ESEA, $670,819,000, which shall become available on July 1, 2008, and shall remain available through September 30, 2009, except that 6.5 percent of such amount shall be available on October 1, 2007, and shall remain available through September 30, 2009, to carry out activities under section 3111(c)(1)(C).

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (IDEA) and the Special Olympics Sport and Empowerment Act of 2004, $12,330,374,000, of which $6,192,551,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $5,924,200,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009, for academic year 2008–2009: *Provided,* That $13,000,000 shall be for Recording for the

Blind and Dyslexic, Inc., to support activities under section 674(c)(1)(D) of the IDEA: *Provided further*, That $1,500,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2007, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percentage increase in the funds appropriated under section 611(i) of the IDEA: *Provided further*, That nothing in section 674(e) of the IDEA shall be construed to establish a private right of action against the National Instructional Materials Access Center for failure to perform the duties of such center or otherwise authorize a private right of action related to the performance of such center: *Provided further*, That $3,000,000 shall be available to support the Special Olympics Winter World Games.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998 (''the AT Act''), and the Helen Keller National Center Act, $3,286,942,000, of which $1,000,000 shall be awarded to the American Academy of Orthotists and Prosthetists for activities that further the purposes of the grant received by the Academy for the period beginning October 1, 2003, including activities to meet the demand for orthotic and prosthetic provider services and improve patient care: *Provided*, That $32,000,000 shall be used for carrying out the AT Act, including $26,377,000 for State grant activities authorized under section 4 of the AT Act, $4,570,000 for State grants for protection and advocacy under section 5 of the AT Act and $1,053,000 shall be for technical assistance activities under section 6 of the AT Act: *Provided further*, That $2,650,000 of the funds for section 303 of the Rehabilitation Act of 1973 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $22,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $59,000,000, of which $1,705,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $111,000,000, of which $600,000 shall be for the Secretary of Education to carry out section 205 of the Act: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act, and title VIII–D of the Higher Education Amendments of 1998, $1,894,788,000, of which $1,103,788,000 shall become available on July 1, 2008, and shall remain available through September 30, 2009, and of which $791,000,000 shall become available on October 1, 2008, and shall remain available through September 30, 2009: *Provided*, That of the amount provided for Adult Education State Grants, $67,896,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $7,000,000 shall be for national leadership activities under section 243 and $6,638,000 shall be for the National Institute for Literacy under section 242: *Provided further*, That $22,770,000 shall be for Youth Offender Grants.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C and part E of title IV of the Higher Education Act of 1965, as amended, $16,368,883,000, which shall remain available through September 30, 2009.

The maximum Pell Grant for which a student shall be eligible during award year 2008–2009 shall be $4,310.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, and 4 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965, as amended, $708,216,000, which shall remain available until expended.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, and VII of the Higher Education Act of 1965 (''HEA''), as amended, the Mutual Educational and Cultural Exchange Act of 1961, and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,028,302,000: *Provided*, That $9,699,000, to remain available through September 30, 2009, shall be available to fund fellowships for academic year 2009–2010 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That $970,000 is for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That the funds provided for title II of the HEA shall be allocated notwithstanding section 210 of such Act: *Provided further*, That $12,000,000 shall be for grants to institutions of higher education, in partnership with local educational agencies, to establish instructional programs at all educational levels in languages critical to U.S. national security: *Provided further*, That $59,855,000 of the funds for part B of title VII of the Higher Education Act of 1965 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $237,392,000, of which not less than $3,526,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, as amended $481,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $188,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, as amended, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $589,826,000, of which $322,020,000 shall be available until September 30, 2009.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $432,631,000, of which $3,000,000, to remain available until expended, shall be for building alterations and related expenses for the move of Department staff to the Mary E. Switzer building in Washington, DC.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $93,771,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $54,239,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in

order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 305. None of the funds made available in this Act may be used to promulgate, implement, or enforce any revision to the regulations in effect under section 496 of the Higher Education Act of 1965 on June 1, 2007, until legislation specifically requiring such revision is enacted.

SEC. 306. (a) Notwithstanding section 8013(9)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)(B)), North Chicago Community Unit School District 187, North Shore District 112, and Township High School District 113 in Lake County, Illinois, and Glenview Public School District 34 and Glenbrook High School District 225 in Cook County, Illinois, shall be considered local educational agencies as such term is used in and for purposes of title VIII of such Act.

(b) Notwithstanding any other provision of law, federally connected children (as determined under section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a))) who are in attendance in the North Shore District 112, Township High School District 113, Glenview Public School District 34, and Glenbrook High School District 225 described in subsection (a), shall be considered to be in attendance in the North Chicago Community Unit School District 187 described in subsection (a) for purposes of computing the amount that the North Chicago Community Unit School District 187 is eligible to receive under subsection (b) or (d) of such section if—

(1) such school districts have entered into an agreement for such students to be so considered and for the equitable apportionment among all such school districts of any amount received by the North Chicago Community Unit School District 187 under such section; and

(2) any amount apportioned among all such school districts pursuant to paragraph (1) is used by such school districts only for the direct provision of educational services.

This title may be cited as the ''Department of Education Appropriations Act, 2008''.

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $4,994,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS, OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service to carry out the programs, activities, and initiatives under provisions of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.) (the 1973 Act) and the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) (the 1990 Act), $804,489,000: *Provided,* That all prior year unobligated balances from the ''Domestic Volunteer Service Programs, Operating Expenses'' account shall be transferred to and merged with this appropriation: *Provided further,* That up to one percent of program grant funds may be used to defray costs of conducting grant application reviews, including the use of outside peer reviewers: *Provided further,* That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by section 122 of part C of title I and part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to program participants whose incomes exceed 125 percent of the national poverty level: *Provided further,* That not more than $275,775,000 of the amount provided under this heading shall be available for grants under the National Service Trust Program authorized under subtitle C of title I of the 1990 Act (42 U.S.C. 12571 et seq.) (relating to activities of the AmeriCorps program), including grants to organizations operating projects under the AmeriCorps Education Awards Program (without regard to the requirements of sections 121(d) and (e), section 131(e), section 132, and sections 140(a), (d), and (e) of the 1990 Act: *Provided further,* That not less than $117,720,000 of the amount provided under this heading, to remain available without fiscal year limitation, shall be transferred to the National Service Trust for educational awards authorized under subtitle D of title I of the 1990 Act (42 U.S.C. 12601), of which up to $4,000,000 shall be available to support national service scholarships for high school students performing community service, and of which $7,000,000 shall be held in reserve as defined in Public Law 108–45: *Provided further,* That in addition to amounts otherwise provided to the National Service Trust under the fifth proviso, the Corporation may transfer funds from the amount provided under the fourth proviso, to the National Service Trust authorized under subtitle D of title I of the 1990 Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to Congress: *Provided further,* That of the amount provided under this heading for grants under the National Service Trust program authorized under subtitle C of title I of the Act, not more than $65,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): *Provided further,* That notwithstanding section 501(a)(4) of the Act, of the funds provided under this heading, not more than $12,516,000 shall be made available to provide assistance to State commissions on national and community service under section 126(a) of the 1990 Act: *Provided further,* That not more than $10,466,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the 1990 Act (42 U.S.C. 12853 et seq.): *Provided further,* That notwithstanding subtitle H of title I of the 1990 Act (42 U.S.C. 12853), none of the funds provided under the previous proviso shall be used to support salaries and related expenses (including travel) attributable to Corporation employees: *Provided further,* That $31,789,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the 1990 Act (42 U.S.C. 12611 et seq.), of which not less than $5,000,000 shall be for the acquisition, renovation, equipping and startup costs for a campus located in Vinton, Iowa and a campus in Vicksburg, Mississippi.

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(4) of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.) and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $69,520,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $6,900,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan determined by an institution of higher education to be necessary to cover a student's cost of attendance at such institution and made, insured, or guaranteed directly to a student by a State agency, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

Notwithstanding any other provision of law, funds made available under section 129(d)(5)(B) of the National and Community Service Act to assist entities in placing applicants who are individuals with disabilities may be provided to any entity that receives a grant under section 121 of the Act.

The Inspector General of the Corporation for National and Community Service shall conduct random audits of the grantees that administer activities under the AmeriCorps programs and shall levy sanctions in accordance with standard Inspector General audit resolution procedures which include, but are not limited to, debarment of any grantee (or successor in interest or any entity with substantially the same person or persons in control) that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs, including any grantee that has been determined to have violated the prohibition of using Federal funds to lobby the Congress: *Provided,* That the Inspector General shall obtain reimbursements in the amount of any misused funds from any grantee that has been determined to have committed any substantial violations of the requirements of the AmeriCorps programs.

For fiscal year 2008, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking. For fiscal

year 2008, during any grant selection process, no officer or employee of the Corporation shall knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

Except as expressly provided herein, not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Corporation in this Act may be transferred between activities identified under this heading in the committee report accompanying this Act, but no such activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2010, $420,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $29,700,000 shall be for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives: *Provided further*, That for fiscal year 2008, in addition to the amounts provided above, $26,750,000 shall be for the costs associated with replacement and upgrade of the public radio interconnection system: *Provided further*, That none of the funds made available to the Corporation for Public Broadcasting by this Act, Public Law 108–199 or Public Law 108–7, shall be used to support the Television Future Fund or any similar purpose.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $44,450,000, including $400,000, to remain available through September 30, 2009, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $8,096,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996, $266,680,000: *Provided*, That $8,680,000 shall be available for the projects and in the amounts specified in the committee report of the Senate accompanying this Act.

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $10,748,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For close out activities of the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $400,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $3,113,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $256,988,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $12,992,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $10,696,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $79,000,000, which shall include amounts becoming available in fiscal year 2008 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $97,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2009, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $103,694,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $8,000,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office: *Provided further*, That funds made available under the heading in this Act, or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts, may be used for any audit, investigation, or review of the Medicare Program.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $28,140,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $26,959,000,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by

the State during that year shall be returned to the Treasury.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2009, $14,800,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $15,000 for official reception and representation expenses, not more than $9,372,953,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided,* That not less than $2,000,000 shall be for the Social Security Advisory Board: *Provided further,* That unobligated balances of funds provided under this paragraph at the end of fiscal year 2008 not needed for fiscal year 2008 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further,* That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $263,970,000 shall be available for conducting continuing disability reviews under titles II and XVI of the Social Security Act and for conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to amounts made available above, and subject to the same terms and conditions, $213,000,000 shall be available for additional continuing disability reviews and redeterminations of eligibility.

In addition, $135,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2008 exceed $135,000,000, the amounts shall be available in fiscal year 2009 only to the extent provided in advance in appropriations Acts.

In addition, up to $1,000,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act (Public Law 108–203), which shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $28,000,000, together with not to exceed $68,047,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided,* That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

TITLE V

GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided,* That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or

adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act (20 U.S.C. 9134(f)), as amended by the Children's Internet Protections Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act (20 U.S.C. 6777(a)), as amended by the Children's Internet Protections Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. None of the funds appropriated in this Act may be used to enter into an arrangement under section 7(b)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) with a nongovernmental financial institution to serve as disbursing agent for benefits payable under the Railroad Retirement Act of 1974.

SEC. 517. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2008, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 518. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 519. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the Senate and of the House of Representatives a report on the number and amount of contracts, grants, and cooperative agreements exceeding $100,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2008, but not to include grants awarded on a formula basis. Such report shall include the name of the contractor or grantee, the amount of funding, and the governmental purpose. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008''.

SA 3326. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

For carrying out the small business child care grant program under section 8303 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (42 U.S.C. 9858 note) $10,000,000, to remain available until expended. Each amount otherwise appropriated in this Act shall be reduced on a pro rata basis by the amount necessary to provide the amount referred to in the preceding sentence.

SA 3327. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ___. None of the funds appropriated in this Act may be used to prevent, or to coordinate with another employee of the Federal government to prevent, an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355).

SA 3328. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ___. None of the funds appropriated in this Act may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g)) from importing a prescription drug from Canada that complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355).

SA 3329. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ___. None of the funds appropriated under this Act shall be made available to Planned Parenthood for any purpose under title X of the Public Health Service Act.

SA 3330. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ___. Notwithstanding any other provision of this Act, none of the funds appropriated in this title shall be distributed to grantees who perform abortions or whose subgrantees perform abortions, except where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from

the pregnancy itself. The preceding sentence shall not apply to a grantee or subgrantee that is a hospital, so long as such hospital does not subgrant to a non-hospital entity that performs abortions.

SA 3331. Mr. REID (for Mr. OBAMA (for himself and Mr. DURBIN)) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 521. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SA 3332. Mrs. MCCASKILL (for herself and Mr. DEMINT) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 30 days after the date of enactment of this Act, the Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet websites—

(1) a direct link to the Internet websites of their Offices of Inspectors General; and

(2) a mechanism on the Offices of Inspectors General website by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SA 3333. Mr. THUNE (for himself, Ms. STABENOW, Mr. CRAPO, Mr. CONRAD, Mr. SALAZAR, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any amounts appropriated or otherwise made available under this Act to the Health Resources and Services Administration to carry out programs and activities under the Health Care Safety Net Amendments of 2002 (Public Law 107–251) and the amendments made by such Act, and for other telehealth programs under section 330I of the Public Health Service Act (42 U.S.C. 254c–14), there shall be made available an additional $6,800,000, to (1) expand support for existing and new telehealth resource centers, including at least 1 resource center focusing on telehomecare; (2) support telehealth network grants, telehealth demonstrations, and telehomecare pilot projects; and (3) provide grants to carry out programs under which health licensing boards or various States cooperate to develop and implement policies that will reduce statutory and regulatory barriers to telehealth.

(b) Notwithstanding any other provision of this Act, amounts appropriated or otherwise made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education, shall be reduced on a pro rata basis by $6,800,000.

SA 3334. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, line 7, strike ''$756,556,000'' and insert ''$786,556,000''.

On page 66, line 10, strike the period and insert '', and of which $189,000,000 shall be used to support advanced research and development of medical countermeasures, consistent with section 319L of the Public Health Service Act.''.

On page 79, between lines 4 and 5, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, each congressionally directed spending item in this Act shall be reduced on a pro rata basis by $30,000,000.

SA 3335. Mr. DORGAN (for himself and Mr. CONRAD) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other other purposes; as follows:

On page 59, line 22, insert before the semicolon the following: '', of which $5,000,000 shall be made available to the Centers for Disease Control and Prevention as an additional amount to make grants under the State Heart Disease and Stroke Prevention Program''.

SA 3336. Mrs. FEINSTEIN (for herself and Mr. KYL) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other other purposes; as follows:

On page 64, line 5, insert before the period the following: ''*Provided further*, That $500,000 shall be available to complete a feasibility study for a National Registry of Substantiated Cases of Child Abuse or Neglect, as described in section 633(g) of the Adam Walsh Child Protection and Safety Act of 2006 (Public law 109-248), and the Secretary of Health and Human Services shall submit the report described in section 633(g)(2) of such Act not later than 1 year after date of enactment of this Act''.

SA 3337. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

SEC. _____. SENSE OF THE SENATE REGARDING SCIENCE TEACHING AND ASSESSMENT.

(a) FINDINGS.—The Senate finds that there is broad agreement in the scientific community that learning science requires direct involvement by students in scientific inquiry and that such direct involvement must be included in every science program for every science student in prekindergarten through grade 16.

(b) SENSE OF THE SENATE REGARDING THE NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS 2009 SCIENCE TEST.—It is the sense of the Senate that—

(1) the National Assessment of Educational Progress (NAEP) 2009 Science assessment should reflect the findings of the Senate described in subsection (a) and those expressed in section 7026(a) of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act; and

(2) the National Assessment Governing Board (NAGB) should certify that the National Assessment of Education Progress 2009 Science framework, specification, and assessment include extensive and explicit attention to inquiry.

(c) REPORT.—The National Assessment Governing Board shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate describing whether the certification described in subsection (b)(2) has been made, and if such certification has been made, include in the report the following:

(1) A description of the analysis used to arrive at such certification.

(2) A list of individuals with experience in inquiry science education making the certification.

SA 3338. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated in this Act may be used for the Charles B. Rangel Center for Public Service, City College of New York, NY.

SA 3339. Mr. HARKIN (for Mr. SMITH) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for

himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 49, line 19, insert before the period the following: ''*Provided further*, That Section 520E(b)(2) of the Public Health Service Act shall not apply to funds appropriated under this Act for fiscal year 2008''.

SA 3340. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be used to circumvent any statutory or administrative formula-driven or competitive awarding process to award funds to a project in response to a request from a Member of Congress (or any employee of a Member or committee of Congress), unless the specific project has been disclosed in accordance with the rules of the Senate or House of Representatives, as applicable.

SA 3341. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, line 2, insert ''*Provided further*, That of the funds available under this heading, $12,000,000 shall be provided for the National Cord Blood Inventory pursuant to the Stem Cell Therapeutic and Research Act of 2005 (Public Law 109-129):'' after ''programs:''.

SA 3342. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SA 3343. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process claims for credit for quarters of coverage based on work performed under a social security account number that was not the claimant's number or under any other basis that is an offense prohibited under section 208 of the Social Security Act (42 U.S.C. 408).

SA 3344. Mr. BAUCUS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 34, line 4, after ''Act'' insert the following: '', including $250,000 for the Center for Asbestos Related Disease (CARD) Clinic in Libby, Montana''.

SA 3345. Mr. DORGAN (for himself, Mr. BROWN, Ms. STABENOW, and Mr. CASEY) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 12, line 8, before the period, insert the following: ''*Provided further*, That not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report regarding the impact of the North American Free Trade Agreement (in this section, referred to as the 'Agreement') on jobs in the United States. The report shall cover the period beginning on the date the Agreement entered into force with respect to the United States through December 31, 2007, and shall include on a industry-by-industry basis, the information regarding the number and type of jobs lost in the United States as a result of the agreement and the number and type of jobs created as a result of the Agreement.''.

SA 3346. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, between lines 9 and 10, insert the following:

SEC. ____. Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to Congress containing an analysis of the Secretary of Labor's implementation of section 302 of the Social Security Act (42 U.S.C. 502) and the Secretary's allocation of State unemployment insurance administrative grants according to the requirements under such section 302.

SA 3347. Mr. MENENDEZ proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 79, between lines 4 and 5, insert the following:

SEC. ____. (a) In addition to any other amounts appropriated or otherwise made available under this Act, $15,000,000 shall be available to carry out activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005 (Public Law 109–18).

(b) Notwithstanding any other provision of this Act, the amount made available under this Act for the Reading First State Grants program under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.), as specified in the committee report of the Senate accompanying this Act, shall be reduced by $15,000,000.

SA 3348. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, $2,000,000 shall be available for the Underground Railroad Educational and Cultural Program. Amounts appropriated under title III for administrative expenses shall be reduced on a pro rata basis by $2,000,000.

SA 3349. Mr. BROWN (for himself, Mrs. LINCOLN, Mr. OBAMA, Mr. FEINGOLD, Ms. COLLINS, Mr. WYDEN, Mr. KERRY, and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ____. No funds appropriated under this Act may be used by the Secretary of Education to promulgate, implement, or enforce the evaluation for the Upward Bound Program as announced in the Notice of Final Priority published at 71 Fed. Reg. 55447–55450 (Sept. 22, 2006), until after the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives have thoroughly examined such regulation in concert with the reauthorization of the Higher Education Act of 1965.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. 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 October 17, 2007, at 10 a.m., in order to conduct a markup on an original bill entitled the Sudan Accountability and Divestment Act of 2007; an original bill entitled the Terrorism Risk Insurance Program Reauthorization Act of 2007; and an original bill entitled the Flood Insurance Reform and Modernization Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, October 17, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

At this hearing, the Committee will hear testimony regarding consumer practices of the wireless industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, October 17, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

At this hearing, the Committee will explore the status of the digital television transition including consumer education efforts, the operation and implementation of the National Telecommunications and Information Administration converter box program, and other issues related to a smooth and effective transition from analog to digital television.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 17, 2007, at 2:30 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, October 17, 2007, at 10 a.m. in order to conduct a hearing entitled ''Is DHS Too Dependent on Contractors to Do the Government's Work?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized during the session of the Senate in order to meet to conduct a hearing on the nomination of Michael B. Mukasey to be Attorney General of the United States, on Wednesday, October 17, 2007, at 10 a.m. in the Hart Senate Office Building room 216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, October 17, 2007, in order to conduct an oversight hearing on VA and DOD collaboration, the hearing will focus on the report of the President's Commission on Care For America's Returning Wounded Warriors, the report of the Veterans Disability Benefit Commission and other related reports.

The Committee will meet in 562 Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND AND ENVIRONMENTAL HEALTH

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Superfund and Environmental Health, be authorized to meet during the session of the Senate on Wednesday, October 17, 2007, at 9:30 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, ''Oversight Hearing on the Federal Superfund Program's Activities to Protect Public Health.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. I ask unanimous consent that Alexander Torres and Young-Min Cho of my staff be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Leigh Ann Ross be given the privilege of the floor during consideration of the Labor-HHS bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, on behalf of Senator BINGAMAN, I ask unanimous consent that Jeffry Phan, a fellow in his office, be granted the privileges of the floor for the pendency of H.R. 3043.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H. Con. Res. 182, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 182) recognizing the need to pursue research into the causes and treatment and eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the preamble be agreed to, the resolution be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 182) was agreed to.

The preamble was agreed to.

HONORING VICE PRESIDENT ALBERT GORE, JR., AND THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 349.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 349) honoring Vice President Albert Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their efforts to promote understanding of the threats posed by global warming.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 349 was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 349

Whereas the Norwegian Nobel Committee selected Vice President Albert Arnold (Al) Gore, Jr., and the Intergovernmental Panel on Climate Change (IPCC) as Nobel Peace Prize Laureates for 2007, acknowledging them ''for their efforts to build up and disseminate greater knowledge about man-

made climate change, and to lay the foundations for the measures that are needed to counteract such change'';

Whereas the Nobel Committee found that Vice President Gore ''became aware at an early stage of the climatic challenges the world is facing'', and that his ''strong commitment . . . has strengthened the struggle against climate change'';

Whereas the IPCC, according to the Nobel Committee, is composed of thousands of scientists and officials from more than 100 countries, has sponsored research and scientific collaboration over the last 2 decades and ''has created an ever-broader informed consensus about the connection between human activities and global warming''; and

Whereas the Nobel Committee stated that Vice President Gore ''is probably the single individual who has done most to create greater worldwide understanding of the measures that need to be adopted'' to combat global warming, Now, therefore, be it

Resolved, That the Senate honors Vice President Albert Arnold Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their longstanding efforts to promote understanding of the threats posed by global warming.

Mr. REID. Mr. President, I am so pleased to rise in support of this resolution. It has now passed, and it is very important that it has. It is to honor our former colleague, the Vice President of the United States, Al Gore.

When I was first elected to the House of Representatives 25 years ago, I was placed on the Foreign Affairs Committee, which was wonderful. I loved it. Clement Zablocki from Wisconsin was the chairman of that committee. I have told people it was like going to school and not having to take the test. I was also put on the Science and Technology Committee. That was a wonderful committee. It opened my eyes to so many different things that I had not seen before and had not been exposed to before.

The first day we met on that committee for organizational purposes, a young man came up to me and he said: I am Al Gore from Tennessee. He said: There is going to be a lot of activity here, people wanting to go to subcommittees. He said: Just wait. They have formed a new subcommittee. I am going to be the subcommittee chairman. Take my word for it. It is going to be the best subcommittee. Don't try to get on all those others. Get on mine.

I did. I followed his suggestion. It was wonderful. I knew at that time that not only was he a very nice man—and I knew, of course, of him because of his father having been a U.S. Senator—but I came to learn what a brilliant man he is.

We did such outstanding things on that subcommittee. We uncovered corruption within the Federal Emergency Management Agency. We held hearings on that. He got into, for the first time, looking at how people are affected who do shift work. Those people who come from manufacturing areas are aware of that, the people who work the graveyard shift, the swing shift. For Las Vegas it is very important because it is a 24-hour town. People work 24 hours, around the clock. He approached it from what does it do to the minds and the bodies of people who have had this shift work. It was a wonderful, enlightening hearing, not only for members of the committee but for the country.

Also, he did, for the first time, public hearings on organ transplants. Remember, this was 25 years ago. I can remember it as if it was yesterday. He brought in before our subcommittee a little girl by the name of Jamie Fisk. I will never forget this little girl. Her color was the color of a light-colored lemon. She was so yellow. She was so jaundiced. This little girl was dying. She needed an organ transplant, a liver transplant, and this wasn't done much. But she was going to die. As a result of this hearing, she was able to get an organ transplant, a liver. I don't know what has happened to Jamie. The last time I checked a number of years ago, she was doing just fine, and I am confident she is. She was able to live as a result of this hearing held by Al Gore. It really paved the way for organ transplants and what we do with people who are on a waiting list to get these organ transplants.

The former majority leader, Dr. Frist, was an organ transplant specialist. I talked to him on a number of occasions about the important work Al Gore did in that subcommittee.

That was only the beginning. Al Gore came to the Senate. I can remember coming to him when I decided to run for the Senate. He came here 2 years before I did. He gave me great advice. He was very concerned about campaign spending laws that needed to be changed. He was totally supportive of McCain-Feingold and was a real leader and a leader in so many different respects as a Senator.

President Bill Clinton, using such good judgment, chose him to be his Vice President. Prior to that, Al Gore ran for President, and I am happy to say the first time he ran for President, other than the Senators from Tennessee, I was the only Senator supporting him. I have never, ever regretted having done that. I think the world of this man. His wife Tipper, if there were an all-American boy, she is the all-American girl. She is just what you would want your daughter to be like. I have a daughter, and I certainly hope she turns out like Tipper Gore.

The Vice President and Senator Gore—I visited him in his office years ago. He had in his office a chart, and it was so unusual. It showed how global warming was taking place, what was happening in the environment, and it went way up into the ceiling. Way back then, 20 years ago, he knew it was a problem. He knew that global warming was a problem.

He is a man of humor. He is real family person. We all lived with him here when he took his little boy to a baseball game and his little boy darted in front of a car and was hit and almost killed. For me personally, he is my friend.

What he has done for the State of Nevada is remarkable. Lake Tahoe. There are only two lakes in the world like Lake Tahoe: Alpine Glacial Lake, and the other one is in Russia—Lake Baikal. Lake Tahoe that we share with California is a wonderful lake. It is almost a mile deep. It was in a state of distress. I talked to Al Gore and said: We need to do a Presidential summit at Lake Tahoe, and we did. He and President Clinton came there 10 years ago and spent 2 days at Lake Tahoe. There was international coverage of what they were doing at Lake Tahoe to show that this wonder of nature was being destroyed. As a result of their having been there—they had 7 Cabinet officers who spent time with more than 1,000 people preparing them for the summit. I thought it would be a photo-op, and it certainly was more than that. It led to our turning around the environmental degradation of that great lake, and we have made progress. Since they came there, we have spent hundreds of millions of dollars on that lake, and it has been worth every penny of it.

Mr. President, Al Gore has had a pretty good year. He won an Emmy, an Oscar, and now the Nobel Peace Prize. I, of course, know he got more votes than the person who beat him in the Presidential election. We not only know he got more votes, we know the tremendous problems they had in Florida. The Supreme Court made a decision. Even though I disagreed with the 5-to-4 decision, it was made by the Supreme Court. As hard as it was for me to accept it, the minute the Supreme Court made that decision, George Bush became my President. Think about how Al Gore felt about that. Al Gore had gotten more votes than the man the Supreme Court said would be President. How did Al Gore lead the country after that disappointment to him? He didn't whine or cry or ask for there to be a contest in the House of Representatives, which he was entitled to. He led the country in saying George Bush is the President.

I say to you there wasn't a single rock thrown through a window and there were no demonstrations held; it was a changeover to George Bush being President. I give that to the greatness of Al Gore. He could have whined and cried and complained. He didn't do that. He set out, in spite of the fact that he was not President of the United States, to change the world. He has done that, earning an Emmy, an Oscar, and now the Nobel Peace Prize. It is one of the all-time great stories in history.

I have to also say that Al Gore, this very serious man, is also very funny; he has a great sense of humor. When I was first elected minority leader, and then became the Democratic leader, he is one of the first people I called. What did he do? He said: How much time do you have? I said: All the time you want. I was on the telephone and he talked to me for more than 2 hours. I took notes. I still have those notes. He gave me such a good view of my job.

I want everyone within the sound of my voice to understand what an extraordinary man he is and how much good he has done. I have watched his progress from the days we spent together on the subcommittee and the committee in the House, and we talked about the environment. This Nobel Peace Prize is a reflection of the man and his accomplishments.

Is there anyone who doubts today that global warming is real? I don't think so. If they do, they are in a very distinct minority. Global warming is here and we must act. Listen to what Vice President Gore says regarding the challenge. He says we must have optimism. He said:

We sometimes emphasize the danger in a crisis without focusing on the opportunities that are there. We should feel a great sense of urgency because it is the most dangerous crisis we have ever faced, by far. But it also provides us with opportunities to do a lot of things we ought to be doing for other reasons anyway. And to solve this crisis, we can develop a shared sense of moral purpose.

Does that depict what a great man he is? Al Gore looks at this optimistically, saying these are things we should have been doing, but we are not doing it, so let's work together to fight the scourge facing our world.

On behalf of our former colleague and my friend, Vice President Al Gore, I am so pleased to support this resolution. More important than passing this resolution, which has happened, I hope all my colleagues will honor his cause and moral purpose to continue the fight to reverse the threat of global warming and leave an Earth to our children and grandchildren that is safe, clean, and livable.

HONORING NOBEL PEACE PRIZE WINNERS IN PHYSIOLOGY OR MEDICINE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 350.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 350) honoring the achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies of the 2007 Nobel Peace Prize in Physiology or Medicine.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 350) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 350

Whereas Mario R. Capecchi was born in Italy in 1937 and earned a PhD in biophysics from Harvard University in 1967;

Whereas Sir Martin J. Evans was born in Great Britain in 1941 and earned a PhD in anatomy and embryology from University College in London in 1969;

Whereas Oliver Smithies was born in Great Britain in 1925 and earned a PhD in biochemistry from Oxford University in 1951;

Whereas Mario Capecchi currently serves as Distinguished Professor of Human Genetics and Biology at the University of Utah School of Medicine;

Whereas Sir Martin J. Evans currently serves as the Professor of Mammalian Genetics and Director of the School of Biosciences at Cardiff University in Wales;

Whereas Oliver Smithies currently serves as an Excellence Professor of Pathology and Laboratory Medicine at the University of North Carolina at Chapel Hill;

Whereas Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies have made a series of discoveries concerning embryonic stem cells and deoxyribonucleic acid (DNA) recombination in mammals that have led to the creation of gene targeting in mice, a powerful technology that is now being used in all areas of biomedicine;

Whereas gene targeting technology has been used in experiments that have successfully isolated genes in order to determine their roles in embryonic development, adult physiology, aging, and disease;

Whereas gene targeting has produced more than 500 different mouse models of human disorders, including cardiovascular and neuron degenerative diseases, diabetes, and cancer;

Whereas, on October 8, 2007, Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies were awarded the Nobel Prize in Physiology or Medicine for their discoveries of principles for introducing specific gene modifications in mice by the use of embryonic stem cells: Now, therefore, be it

Resolved, That the Senate—

(1) honors and recognizes the scientific work and achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies; and

(2) congratulates Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies for their receipt of the Nobel Prize in Physiology or Medicine.

MEASURES READ THE FIRST TIME—S. 2179, S. 2180, S. 2184, S. 2185, H.R. 2102, AND H.R. 3678 EN BLOC

Mr. REID. Mr. President, I understand there are six bills at the desk. I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the bills by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2179) to authorize certain programs and activities in the Forest Service, the Department of the Interior, and the Department of Energy, and for other purposes.

A bill (S. 2180) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, and to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

A bill (S. 2184) to amend the Internal Revenue Code of 1986 to permanently allow penalty-free withdrawals from retirement plans for individuals called to active duty for at least 179 days.

A bill (S. 2185) to permanently extend the current marginal tax rates.

A bill (H.R. 2102) 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.

A bill (H.R. 3678) to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

Mr. REID. Mr. President, I now ask for their second reading en bloc, but I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

S. 2179 AND S. 2180

Mr. BINGAMAN. Mr. President, the Committee on Energy and Natural Resources has reported over 70 individual bills and resolutions this Congress. Most of these bills are authorizations for specific projects and activities in the Department of the Interior, although we have also reported several measures involving National Forest lands under the jurisdiction of the Department of Agriculture, as well as a few authorizations related to the Department of Energy.

Typically these bills would be considered in the Senate under a unanimous consent procedure. Unfortunately, although all of these bills are noncontroversial and all were reported unanimously by the Energy and Natural Resources Committee, we have been unable to get consent to pass these bills.

In an effort to facilitate passage of these bills, today I am introducing two bills which contain the individual measures reported by the committee. The first bill, the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, includes the text of 25 bills and 1 resolution which have been passed by the House of Representatives and which were reported, or their Senate companion measure was reported, without substantive amendment by the committee. If considered as individual bills, upon passage in the Senate, these bills would have been cleared for the President. Since they will now be included as part of this comprehensive bill, it will require additional action by the House of Representatives, but I am hopeful that because all of the measures included in this bill were previously approved by the other body that they will be able to approve this bill expeditiously.

The second bill, the Natural Resource Projects and Programs Authorization Act of 2007, includes the text of 44 bills which originated in the Senate, or which passed the House of Representatives and were substantively amended in committee. Like the previous bill, all of the individual bills were reported unanimously by the Energy and Natural Resources Committee. While the House of Representatives has not previously acted on all of the individual components of this new bill, I believe these bills are non-controversial, and I hope that the House will be able to consider this bill in a timely manner as well.

Mr. President, I have prepared a table identifying the individual measures that are included in both comprehensive bills, including references to the corresponding calendar numbers. I ask unanimous consent to have printed in the RECORD the table to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FORESTS, PARKS, PUBLIC LAND, AND RECLAMATION PROJECTS AUTHORIZATION ACT OF 2007

Forest Service Authorizations			
Sec. 101	Cal. 255	H.R. 886	Wild Sky wilderness
Sec. 102	Cal. 361	H.R. 247	Jim Weaver trail
Bureau of Land Management Authorizations			
Sec. 201	Cal. 251	H.R. 276	Piedras Blancas Historic Light Station
National Park Service Authorizations			
Sec. 301	Cal. 35	S. 324	NPS cooperative agreements (H.R. 658)
Sec. 311	Cal. 378	H.R. 1100	Carl Sandburg NHS boundary adjustment
Sec. 321	Cal. 232	H.R. 376	Newtonia Civil War battlefields study
Sec. 322	Cal. 236	H.R. 1047	Soldiers' Memorial Military Museum study
Sec. 323	Cal. 362	H.R. 407	Columbia-Pacific heritage area study
Sec. 331	Cal. 233	H.R. 497	Francis Marion Commemorative Work
Sec. 332	Cal. 363	H.R. 995	Disabled veterans memorial authorization
Sec. 333	Cal. 234	H.R. 512	American Latino museum commission
Sec. 334	Cal. 377	H.R. 1148	Hudson-Fulton Champlain commissions (H.R. 1520)
Sec. 335	Cal. 230	S. Con. Res. 6	National Museum of Wildlife Art (H. Con. Res. 116)
Sec. 341	Cal. 285	H.R. 1388	Star-Spangled Banner National Historic Trail
Sec. 342		H.R. 761	Lewis & Clark NHT visitor center conveyance
Sec. 343		H.R. 986	Eightmile River Wild & Scenic River designation
Bureau of Reclamation and U.S. Geological Survey Authorizations			
Sec. 401	Cal. 143	H.R. 1114	Alaska water resources study
Sec. 402	Cal. 250	H.R. 235	Redwood Valley Water District payment schedule
Sec. 403	Cal. 252	H.R. 482	American River Pump Station project transfer
Sec. 404	Cal. 254	H.R. 839	Watkins Dam enlargement
Sec. 405	Cal. 37	S. 255	New Mexico water planning assistance (H.R. 1904)
Sec. 406		H.R. 386	Yakima Project lands and building conveyance
Sec. 407		H.R. 1736	Juab County, Utah conjunctive water use
Sec. 408	Cal. 52	S. 220	A&B Irrigation District contract repayment (H.R. 467)
Department of Energy Authorizations			
Sec. 501	Cal. 360	H.R. 85	Energy technology transfer
Sec. 502	Cal. 379	H.R. 1126	Steel & Aluminum Act amendments

NATURAL RESOURCE PROJECTS AND PROGRAMS AUTHORIZATION ACT OF 2007

Title I—Bureau of Land Management Authorizations			
Subtitle A	Cal. 53	S. 275	Prehistoric Trackways National Monument
Subtitle B	Cal. 38	S. 260	Fort Stanton—Snowy River Cave NCA
Subtitle C	Cal. 43	S. 320	Paleontological Resources Protection
Subtitle D	Cal. 39	S. 262	Snake River Birds of Prey NCA Name Change
Subtitle E	Cal. 249	S. 1139	National Landscape Conservation System
Title II—National Park Service Authorizations			
Subtitle A—New Areas, Boundary Modifications, and Studies			
Sec. 201	Cal. 36	S. 245	Clinton Birthplace Home National Historic Site
Sec. 202	Cal. 223	S. 126	Mesa Verde National Park Boundary Modification
Sec. 203	Cal. 231	H.R. 161	Minidoka Internment National Monument
Sec. 204	Cal. 371	S. 722	Walnut Canyon National Monument Study
Subtitle B—Commissions and Advisory Committees			
Sec. 211	Cal. 227	S. 890	Dwight D. Eisenhower Memorial Commission
Sec. 212	Cal. 359	S. 1728	Na Hoa Pili O Kaloko-Honokohau advisory commission
Subtitle C—National Trails			
Sec. 221	Cal. 40	S. 268	Ice Age Floods National Geologic Trail
Sec. 222	Cal. 226	S. 686	Washington—Rochambeau National Historic Trail
Sec. 223	Cal. 225	S. 580	National Historic Trails study update
Sec. 224	Cal. 365	S. 169	National Historic Trails willing seller authority
Subtitle D—National Heritage Areas			
Sec. 231	Cal. 366	S. 278	National Heritage Areas program and criteria
Sec. 232	Cal. 373	S. 817	Reauthorization of certain existing national heritage areas
Sec. 233	Cal. 357	S. 1182	Quinebaug & Shetucket Rivers National Heritage Corridor
Sec. 234	Cal. 367	S. 289	Journey Through Hallowed Ground National Heritage Area
Sec. 235	Cal. 368	S. 443	Sangre de Cristo National Heritage Area
Sec. 236	Cal. 369	S. 444	South Park National Heritage Area

NATURAL RESOURCE PROJECTS AND PROGRAMS AUTHORIZATION ACT OF 2007—Continued

Sec. 237	Cal. 372	S. 800	Niagara Falls National Heritage Area
Sec. 238	Cal. 375	S. 955	Abraham Lincoln National Heritage Area
Sec. 239	Cal. 355	S. 637	Chattahoochee Trace National Heritage Corridor study
Sec. 240			Abraham Lincoln Kentucky sites national heritage study (amendment to S. 955)
Title III—Bureau of Reclamation and USGS Authorizations			
Sec. 301	Cal. 48	S. 263	Deschutes River Conservancy
Sec. 302	Cal. 49	S. 264	Wallowa Lake Dam rehabilitation program
Sec. 303	Cal. 50	S. 265	Little Butte / Bear Creek water resource study
Sec. 304	Cal. 51	S. 266	North Unit Irrigation District
Sec. 305	Cal. 245	S. 175	Central Oklahoma Master Conservancy District study
Sec. 306	Cal. 246	S. 542	Snake, Boise, and Payette River systems studies
Sec. 307	Cal. 247	S. 1037	Tumalo Irrigation District water project
Sec. 308	Cal. 253	S. 324	New Mexico water resources study
Sec. 309	Cal. 256	H.R. 902	Water and energy resources
Sec. 310	Cal. 34	S. 240	National Geologic Mapping Act of 1992 reauthorization
Title IV—Forest Service Authorizations			
Subtitle A—Authorizations			
Sec. 401	Cal. 31	S. 202	Coffman Cove administrative site conveyance
Sec. 402	Cal. 32	S. 216	Santa Fe National Forest / Pecos NHP land exchange
Sec. 403	Cal. 33	S. 232	Watershed restoration and enhancement agreements
Sec. 404	Cal. 229	S. 1152	Wildland firefighter safety
Subtitle B	Cal. 370	S. 647	Lewis and Clark Mount Hood Wilderness
Title V—Department of Energy Authorizations			
Sec. 501	Cal. 356	S. 645	Technical criteria for clean coal power initiative
Sec. 502	Cal. 358	S. 1203	Additional Assistant Secretary, Department of Energy
Sec. 503	Cal. 374	S. 838	United States—Israel energy cooperation
Sec. 504	Cal. 376	S. 1089	Alaska natural gas pipeline corridor
Title VI	Cal. 42	S. 283	Compact of Free Association Amendments

ORDERS FOR THURSDAY, OCTOBER 18, 2007

Mr. REID. Mr. President, I appreciate everyone's patience. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Thursday, October 18; that on Thursday, 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 and 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 and the time be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the Democrats the second half; that at the close of morning business, the Senate resume consideration of H.R. 3043, the Labor-HHS appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:21 p.m., adjourned until Thursday, October 18, 2007, at 9:30 a.m.

EXTENSIONS OF REMARKS

TRIBUTE TO MRS. ANN SAMPSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. LATHAM. Madam Speaker, I rise to recognize the service of Mrs. Ann Sampson, as the devoted Golden Stars Drill Team coach at Eagle Grove High School in Eagle Grove, Iowa.

Ann has served as the coach of the drill team she founded for the past 14 years. Her passion for this team has had, and will continue to have, a lasting impact on the many young ladies that were fortunate enough to be led by Ann.

During Ann's first year as coach, the team did not have the resources for uniforms during performances, so she found old flag squad outfits at the high school and managed to transform them into the new uniforms for the team. Her exceptional organizational skills and the team's rapid success led to the first Golden Stars Drill Team Night at the end of the team's inaugural school year, which raised enough money for brand new uniforms the next school year. In her third year coaching, and second year competing, Ann led the Golden Stars to their first state title. y

Ann's impact on the young ladies wasn't limited to just the dance floor; important life lessons for achievement were instilled. Ann focused the team on forming a family bond, as a recipe for success. The Golden Stars motto is ''you're only as strong as your weakest link.'' This motto speaks of Ann's natural abilities to lead this team through the years.

I consider it a great honor to represent Ann Sampson in the United States Congress. I know that my colleagues will join me in thanking her for her service to the youth of Iowa and wish her and her family all the best that the future brings them.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. CONAWAY. Madam Speaker, on rollcall No. 961, H. Res. 738—Expressing the sense of the House of Representatives regarding the Government of Syria's continued interference in the internal affairs of Lebanon. Had I been present, I would have voted ''yea.''

IN RECOGNITION OF THE RETIRED SENIOR VOLUNTEER PROGRAM OF GREATER CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. KUCINICH. Madam Speaker, I rise today to recognize the Retired Senior Volunteer Program of Greater Cleveland (RSVP) on the occasion of their 35th anniversary of service to community non-profits and countless people in the Cleveland area.

RSVP is part of the Corporation for National and Community Service, one of the largest volunteer efforts in the country. The Greater Cleveland chapter of RSVP opened its doors in 1972, back when I was a Cleveland city councilman, and it is one of the biggest—and perhaps the best—in the country today.

Based on principles of giving back to a society which has given, the over 3,200 volunteers contribute over 400,000 hours of service to the community each year to more than 200 nonprofit agencies. Many of these organizations simply could not exist without the help of the RSVP volunteers, and none could provide the level of quality service the volunteers offer without them. The list of organizations utilizing generous commitment of RSVP volunteers is broad and ranges from hospitals, to museums, to hunger centers, and to schools.

Meals are prepared and delivered to homebound residents that might otherwise not have access to this service. School children are helped with their literacy skills and provided with quality adult role models. New citizens are welcomed to the country. The bereaved and ill are counseled. Educational tours are provided to students and the general public at NASA, the Cleveland Museum of Natural History and the Great Lakes Science Center, among many educational and entertaining outlets. And the list goes on.

One of the great successes of Cleveland's RSVP program is the management of a tutoring program for children in the Cleveland municipal schools called Experience Corps. During this school year alone, 220 tutors mentored 1,400 students in 14 elementary schools, and the hope is to someday be able to provide quality tutors to all children that need help. Cleveland's Experience Corps program, part of a national effort, has been so successful that it was selected as one of four throughout the country to serve as a model for expansion of the program nationally.

Community projects, such as festivals, fairs, walkathons and other civic functions, depend largely on volunteers for short-term or one-time assignments, and RSVP comes through with a group called Team RSVP. This year, Team RSVP volunteers have already participated in more than 100 community events, with many more scheduled through the end of 2007.

A group of volunteers called the RSVP Players creates and presents educational and entertaining performances for audiences of older adults throughout Northeast Ohio. The troupe has also assisted with informational programs about Medicare information, prescription misuse, predatory lending, re-entering the job market and other issues relevant to seniors.

Madam Speaker and colleagues, please join me in honoring RSVP of Greater Cleveland, an organization with an extraordinary commitment to service in the Cleveland area, and its humble volunteers that fill numerous needs in Ohio's 10th Congressional District and beyond. Their footprint is large and deep, and their accomplishments will be felt for generations to come.

COMMENDING NASA LANGLEY RESEARCH CENTER ON ITS 90TH ANNIVERSARY

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mrs. MILLER of Michigan. Mr. Speaker, I rise in strong support of this resolution celebrating 50 years of America reaching for the stars.

Fifty years ago when the Soviets launched Sputnik our Nation was thrown into a panic because we believed we had fallen behind our major adversary.

That was true and America responded.

Our Nation came together and made it a national priority to advance our technology and challenge the Soviets in the space race.

This effort had an impact on my family as my father answered the Nation's call to work at the Redstone Rocket Factory with Werner Von Braun.

Those efforts produced the rockets that launched the first satellites, put an American into space, and ultimately landed a man on the moon.

The impact of the American space program on our Nation—and the efforts of the hundreds of thousands of people who participated in it—cannot be understated.

Today people from across our Nation and the world can watch these proceedings live due to satellite broadcast. We can communicate via cell phones and e-mail. We can cook our food in microwave ovens. We can access information immediately over the Internet. All of these advancements can trace their roots to the American space program.

The fact is that our space program has dramatically changed our Nation and our world for the better.

It has always been the case that when America is united toward a difficult challenge we rise to the occasion and succeed.

There is no greater example of this fact than the success of the American space program.

With all of the incredible developments of the last 50 years one can only wonder what the next 50 will bring.

Perhaps a permanent settlement on the moon.

Perhaps a manned mission to Mars.

One can only imagine what incredible advances such efforts will bring to our society.

One thing is certain—that when America reaches for the stars—the sky is the limit to what we can achieve.

TRIBUTE TO MISSY THOMS AND JIM KAVARS

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize two heroic individuals from north Iowa for their swift and unselfish actions, which resulted in saving a man's life.

On Saturday, September 29, 2007, Eusebio ''Joe'' Garcia of Albert Lea, Minnesota, was driving on a highway in Mason City, Iowa, when he suffered a heart attack and lost control of his vehicle into the median.

Missy Thoms of Mason City and Jim Kavars of Clear Lake witnessed the vehicle in the median and quickly came to the scene to assist. Joe did not have a pulse and was not breathing. Missy and Jim conducted CPR until the paramedics arrived. Missy, a nurse at Mercy Hospital in Mason City, advised the paramedics that Joe needed an IV and to be defibrillated. With that helpful information and Missy and Jim's work, the paramedics revived Joe's breathing before they even had him in the ambulance.

Missy and Jim are great examples to use when teaching our children and grandchildren about the importance of helping thy neighbor.

I know that all of my colleagues join me in commending Missy Thoms and Jim Kavars and honoring them for their swift and unselfish actions which resulted in saving Joe Garcia's life. I am truly honored to represent both of these heroes in the United States Congress.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. CONAWAY. Madam Speaker, on rollcall No. 962, H.R. 2089—To designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the ''Louisiana Armed Services Veterans Post Office.''

Had I been present, I would have voted ''yea.''

IN REMEMBRANCE OF BERNADETTE PAVLISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Bernadette Pavlish, a devoted wife and loving mother, and I celebrate her dedication to her family and the community.

By all accounts, Bernadette simply lit up an entire room with her presence. Her smile became an instant source of comfort and joy for anyone who was lucky enough to cross paths with her. Bernadette was extremely generous with her time and talents; she never passed up an opportunity to help someone.

Madam Speaker and colleagues, please join me in remembering Bernadette Pavlish, who is survived by her husband James, and her children Ursula, Vincent and Lavinia. Although she has passed, her spirit will continue to shine brightly and her memory will live on in all those blessed to have known her.

RECOGNIZING THE IMPORTANCE OF AMERICA'S WATERWAY WATCH PROGRAM

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mrs. MILLER of Michigan. Mr. Speaker, I rise in strong support of this resolution and I want to commend Mr. BILIRAKIS for drawing attention to this important program.

The attacks of 9/11 made every citizen mindful of the need for constant vigilance to protect our country from the threat of terrorism. Keeping America safe requires the efforts of every American.

The openness of our Nation's waterways and harbors prevents opportunities for terrorists to exploit. The U.S. Coast Guard works very hard to ensure the safety of these areas, and they do a tremendous job for which we are all very grateful.

However, recreational boaters also have an important role to play in this area, and America's Waterway Watch program works hard to teach recreational boaters about what they can do to protect our homeland. Boaters provide critical eyes and ears in watching over our,coasts, our ports, and other important infrastructure like bridges and tunnels.

Specifically, participants in the campaign are requested to report: Individuals engaged in irregular activity such as surveillance or unusual boating operations; unattended vessels in strange locations; lights flashing between boats; unusual activity near bridges, overpasses, industrial facilities, or fuel docks.

In Michigan this program has been particularly important. My home state has over 3,000 miles of shoreline—more than any other state except Alaska—which presents an incredible challenge for our government agencies to patrol. And of course we share much of this water with Canada which enables people to come across into the United States very easily. And in some places this liquid border is quite narrow—such as the St. Clair or Detroit Rivers. So we really have to rely on our boaters to keep their eyes on things.

In Michigan, we have more than 900,000 boats registered in our state, which makes us the number 1 state for per capita boat ownership, and 3rd overall behind Florida and California. Boating is an important part of life in the Great Lakes State.

In 2005, state officials began a campaign to notify our state's boaters of this Waterway Watch program. Working with the Coast Guard and the Michigan Boating Industries Association, Michigan sent out a brochure on this program with each watercraft registration renewal notice. Since 2007 was the 3rd year this was done, we have now reached nearly all of our state's boaters with information about the Waterway Watch program.

In conclusion, Mr. Speaker, I strongly support this program, I strongly support the resolution, and I urge my colleagues to do the same.

TRIBUTE TO AUGUST GLIEM

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize August Gliem of Ogden, Iowa, for his longtime service to the International Lions Club. Gus was recently awarded the 50- Year Monarch Milestone Chevron Award for his 50 years of service to the Lions Club, which began on July 1, 1957.

The International Lions Club is a volunteer organization which works together to answer the needs that challenge communities around the world, including an end to preventable blindness, cleaning local parks and providing essential supplies to victims of natural disasters.

Fifty years of service isn't slowing Gus down, and I am told that he is still very active in the Lions Club. I consider it an honor to serve Gus in the United States Congress and I know that my colleagues will join me in recognizing and honoring Gus' dedication to his community and his commitment to the International Lions Club.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. CONAWAY. Madam Speaker, on rollcall No. 963, H.R. 20—Melanie Blocker-Stokes Postpartum Depression Research and Care Act. Had I been present, I would have voted ''yea.''

PROVIDING FOR CONSIDERATION OF H.R. 3056, TAX COLLECTION RESPONSIBILITY ACT OF 2007

SPEECH OF

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 10, 2007

Mr. WELCH of Vermont. Mr. Speaker, I want to thank the gentleman from New York, Mr. RANGEL, for his work in bringing H.R. 3056 to the House floor. I have received feedback from Vermont citizens and members of the National Treasury Employees Union (NTEU), both in Vermont and nationwide, strongly urging the repeal of the IRS authority to use private debt collectors. There has been much concern for this practice of using ''private bounty hunters.'' National NTEU employees expressed deep concern for outsourcing of inherently governmental jobs.

In January, 2007, the National Taxpayer Advocate, who is appointed by the Treasury Secretary, sent a strong message to Congress urging repeal of this authority as a burden and cost to taxpayers. Taxpayers have faced overzealous intimidation and abuse by private collectors as well as the loss of privacy and confidential information. The Taxpayer Advocate reported to Congress that ''the money spent on the IRS Private Debt Collection initiative is

an inefficient use of government dollars.'' The National Taxpayer Advocate Service has testified that IRS employees bring in $20 for every dollar IRS spends, whereas private debt collectors bring in only 4.

This bill will reverse these inefficiencies and abuses on the American taxpayer.

I have also heard from other Vermont organizations, including many Builders Associations and other federal, state, and local government contractors, voicing strong support for the delay in implementation of certain tax withholding provisions provided in this bill. H.R. 3056 postpones for one year, until December 31, 2011, the application of a three-percent withholding requirement on the payments of goods and services made by the U.S. Government, States, and local governments. This delay allows the Treasury Secretary the time to study issues associated with the three-percent withholding, including the burdens to small businesses as well as the application of the tax to small expenditures for goods and services by governments.

I strongly urge my colleagues to support passage of this rule and the underlying bill.

HONORING KRIV-TV'S GREGG GROOGAN, MARK MULLER AND APRILLE MEEK FOR WINNING THE CASEY MEDAL FOR MERITORIOUS JOURNALISM

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. AL GREEN of Texas. Madam Speaker, it is my pleasure to honor three remarkable journalists at Houston's own KRIV-TV for winning the prestigious Casey Medal for Meritorious Journalism.

Greg Groogan, Mark Muller and Aprille Meek last week received the 2007 Casey Medal for Meritorious Journalism for short form television for their insightful story on the difficulties faced by Texas's parents of children using special education, ''Special Ed-Broken Promise?'' This story, the opening of a several-month series on special education in Texas, provided an eye-opening look at the hurdles that special education parents face in providing the ''free appropriate public education'' to which they are entitled per the Individual with Disabilities Education Act.

For Mr. Groogan, Mr. Muller and Ms. Meek, this impressive award represents the culmination of the excellent work that they have done over the years for KRIV-TV. Mr. Groogan alone has won over sixty journalism awards, including five Lone Star Emmys, 15 Associated Press Awards, and honors from the Houston Press Club, the Texas Cancer Society and the Texas State Teachers Association. Over 700 journalists entered the contest for the 2007 Casey Medals, demonstrating that these journalists truly went above and beyond the call of duty with the excellent work for which they received the Casey Medal.

In awarding these three deserving individuals with the Casey Medal, the Casey Journalism Center on Children and Families described ''Special Ed-Broken Promise?'' as a ''masterful job,'' and indeed it was. It is fitting that this award would go to individuals who have shown incredible courage, tenacity and wisdom in their reporting. I congratulate Mr. Groogan, Mr. Muller and Ms. Meek for this well-deserved award and I hope that their work serves as an inspiration to others across the nation.

VISION CARE FOR KIDS ACT OF 2007

SPEECH OF

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 15, 2007

Mr. LOEBSACK. Madam Speaker, I rise today in support of H.R. 507, the Vision Care for Kids Act of 2007. I applaud Congressman GREEN for introducing this important legislation and for recognizing the importance of vision screening for our children.

It is estimated that one in four children in school and one in twenty children in preschool develop eye disorders. Screening for vision problems in children is extremely important as it can be difficult to recognize these types of problems in children, and children are often not capable of expressing they are experiencing vision issues.

Amblyopia is cited as the most common vision problem in children. This affects one or both eyes and can lead to permanent vision loss and long term problems. As many as 9,000 children in Iowa under the age of 4 suffer from this problem. Thankfully for children in Iowa, the University of Iowa Department of Ophthalmology and Visual Sciences and the Lions Club of Iowa teamed up in 2000 to create a program called Iowa KidSight. Iowa KidSight provides free vision screening for infants and young children throughout every county in Iowa and also serves to educate parents and the public on the benefits of vision screening.

Since 2000, Iowa KidSight has screened over 90,300 children from the ages of 6 years to 48 months. Unfortunately not every child who is referred to see a specialist is able to do so for a variety of reasons, which is why the Vision Care for Kids Act is so important. This legislation will help supplement the program in my state and others by awarding grants to help ensure these children are able to see a licensed optometrist or ophthalmologist, receive the treatment they need, and also inform and educate parents, teachers, and others who work with children on recognizing early signs of vision problems.

Detecting early signs of vision problems in children and getting them the medical attention they need can be crucial for development and well-being for the rest of their lives. The Vision Care for Kids Act recognizes this fact and will make significant improvements in the amount of children who are able to receive the care they need to learn and grow. I strongly support H.R. 507, the Vision Care for Kids Act and urge its passage.

HONORING DR. MOHANA ARLA

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to recognize Dr. Mohana Arla, an outstanding man with a great record of community service. Dr. Arla, a resident of Bullitt County, has been named Distinguished Citizen of the Year by the Bullitt County Education Association.

Dr. Arla has provided medical care for the citizens of Bullit County for many years. He is an internal medicine physician with Bullitt County Family Practitioners in Hillview, Kentucky and has his own practice in Lebanon Junction, Kentucky. Dr. Arla has been a strong advocate of bringing additional medical practitioners to the Bullitt County area.

In July of 2007 Dr. Arla partnered with Jewish Hospital Medical Center South to conduct a free weight-loss program for the residents of Bullitt County. The program, titled ''Lose a Pound, Gain a Dollar,'' gave residents the opportunity to lose weight while offering them a monetary reward for their hard work. This program is a great example of his commitment to improving the lives of Bullitt County's residents.

Dr. Arla has also demonstrated a strong commitment to local education. He has been very involved in efforts to bring a community college to Bullitt County. Dr. Arla is a member of the County Board leading the effort and has made a substantial donation to this cause.

It is my privilege to recognize Dr. Mohana Arla today, before the entire United States House of Representatives, for his hard work and service to his community.

HONORING RETIRED DALLAS POLICE OFFICER REX POST

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. HENSARLING. Madam Speaker, today I, along with Representative RALPH HALL, would like to honor retired Dallas Police Officer, Corporal Rex Post. Corporal Post has been a fixture in the Dallas Police Department for over 24 years. Along with his normal duties as a patrol officer, Corporal Post was also a class advisor at the police academy and, when he was off duty, he was neighborhood crime watch patrol officer in the Lakewood neighborhood of Dallas.

Corporal Post's outstanding character can best be seen in his interactions with his community. Last year a senior citizen in Corporal Post's neighborhood was robbed of her money by a stranger who had come to her door. Corporal Post not only made sure the neighborhood was safe, but he and his family also brought her gifts to lift her spirits.

Recently, Corporal Post was diagnosed with stage-four colon cancer, which is a life-threatening cancer. In a show of support, his family, friends, and community have rallied around him as he battles the cancer. He says it is faith and the love of his wife Janet and sons Rex III, Austin, and Jonathan that keep him strong.

Madam Speaker, as Representatives of the city of Dallas, Texas and Paris, Texas, it is our distinct honor to commend retired Dallas Police Officer, Corporal Rex Post, for his outstanding service to his community and his courageous attitude and faith.

TRIBUTE TO CHAD SCHIEBER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. CAMP of Michigan. Madam Speaker, today I rise to honor the life of Chad Schieber.

Chad was a dedicated police officer, an active member of the Midland, Michigan, community, and a loving husband and father. Chad was born in Midland, but he spent much of his early life in Traverse City, Michigan, where he grew up and attended the police academy. In 1994, Chad returned to Midland and joined the Midland Police Department.

As an officer, he consistently went above and beyond the call of duty. His accomplishments include being a mountain bike instructor within the department, helping organize the Midland Youth Law Enforcement Academy, serving as coordinator for the Midland County Crime Stoppers, implementing the department's child DNA identification program, and helping to establish the Midland Law Enforcement Memorial. For his efforts, Chad was honored with the 2006 Carl and Esther Gerstacker Law Enforcement Officer of the Year Award by the Midland Police Department.

Chad was a devoted Christian and member of the Midland Christian Celebration Center. Chad served on the church's board, and he and his wife Sarah touched many lives through the marriage ministries they conducted.

Chad's biggest joy in life was his family. He leaves behind his wife, Sarah, of 12 years, his daughter Abigayle, and sons Noah and Micah.

Madam Speaker, I would like to pay tribute to Chad Schieber for his life of service and extend my sincerest sympathies to his family, friends and loved ones.

HONORING SAM WASHINGTON

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. DINGELL. Madam Speaker, it is with a heavy heart that I rise to let my colleagues know that we recently lost one of our nation's most dedicated conservationists. Marvin ''Sam'' Washington embodied the American tradition of conservation. I want his family to know that Sam was an inspiration to us all and that he will be very sorely missed.

An avid hunter and angler, Sam served on the Board of Directors of Michigan United Conservation Clubs (MUCC) and was also a member of the Michigan Natural Resources Trust Fund and the State Parks Advisory Committee. From 2003 to 2007, Sam served as Executive Director of the MUCC, becoming one of our strongest advocates for access to Michigan's natural resources and protection of Michigan's hunting and fishing heritage.

Sam was a passionate outdoorsman who channeled his love of wildlife into action. He understood that nature must be cherished, enjoyed and preserved for future generations—not exploited. At a time when many of our natural resources are at risk, Sam stood tall, fighting for action on global warming, mercury emissions, wetlands protection and responsible land use.

Sam was much more than a conservationist, however—he was an integral part of his community. He taught English and coached various sports in the Bloomfield Hills School District. He was also a minister, as well as a dedicated husband and father to his wife Peggy and two daughters, Jenny and Wendy.

Madam Speaker, I would ask that all my colleagues join me in paying tribute to a great American conservationist, my friend Sam Washington.

HONORING THE LIFE OF MONSIGNOR FRANK SAMMONS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. WALSH of New York. Madam Speaker, I rise today to honor the life of Syracuse native Monsignor Frank Sammons, who passed away on July 7 at the age of 87.

Throughout his life Monsignor Sammons was dedicated not only to the priesthood and his faith, but also to the people and communities he served.

A graduate of St. Vincent de Paul High School, Sammons continued his education at Niagara University, St. Bernard's Seminary, and the Theological College of Washington, DC. He was ordained into the Catholic priesthood on May 15, 1947 and served as parochial vicar in his first assignment at St. John the Baptist Church in Syracuse, New York.

In 1968, Monsignor Sammons became the pastor of St. Patrick's Church on Tipperary Hill where he served until his retirement in 1995. Even in retirement, Monsignor Sammons was active in the church and the community. He served at St. Matthew's Parish in East Syracuse and as Diocesan Minister to retired priests. Sammons also belonged to the Bishop Ludden Planning Committee and served as the Chaplain for Bishop Grimes' athletics.

Monsignor Sammons was equally as passionate about sports and youth as he was about the priesthood. A former athlete himself, Sammons was inducted into the Greater Syracuse Sports Hall of Fame. He founded the City-County Youth Board and served on the National Conference of Catholic Youth. Sammons also served as director of the Catholic Youth Organization, CYO, and he founded the organization's popular youth basketball league. In addition, Monsignor Sammons served as director of Lourdes Camp in Skaneateles, New York. He also took on the role of athletic director for all three Syracuse Catholic High Schools: Christian Brothers Academy, Bishop Grimes, and Bishop Ludden.

Monsignor Sammons' commitment to the Catholic Church and the people—especially the youth—that he served is unquestionable. Monsignor Sammons was a fixture in our community, and he will be sorely missed.

AZERBAIJAN'S STATE INDEPENDENCE DAY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, one of our key democratic allies—the Republic of Azerbaijan—is set to celebrate the 16th Anniversary of its re-independence on October 18. In the current global political climate, Azerbaijan is unique among democracies as the world's first Muslim democratic republic! A status I both commend and support.

Azerbaijan's first glimpse as a democratic republic came in 1918 shortly after the fall of the Russian Empire. Unfortunately, the Red Anny invaded on April 28, 1920 and thereby preempting further democratization at that time.

Azerbaijan's second opportunity for freedom and self-determination came at a heavy price following the 1990 invasion of Baku by Soviet troops, resulting in the death of more than a hundred thirty civilians. Moscow rule grew weaker in Azerbaijan and by 1991 popular pressure led the country to declare its independence.

Given past Soviet rule and difficult geopolitical environment between Russia and Iran, Azerbaijan's determination to look westward for its political and economic allies should be applauded.

Azerbaijan cooperates with the United States within international and regional institutions including UN, Organization for Security and Cooperation in Europe (OSCE) and NATO's Partnership for Peace program. Azerbaijan also works together with the United States within the framework of the Organization for Democracy and Development—GUAM which is comprised of Azerbaijan, Georgia, Moldova, and Ukraine. The group was created as a political, economic and strategic alliance aimed at overcoming common risks and threats and strengthening the independence and sovereignty of its member states.

The Republic of Azerbaijan is a standout nation among the South Caucasus countries, with a population of 8 million people and an ambitious economic policy. During the last decade Azerbaijan has been implementing structural reforms and adopting numerous laws and legislative changes, paving the way toward further integration within the global economy. The nation has been moving toward a more diversified economy to achieve sustainable growth and to meet the social and development needs of its population. As reported by the International Monetary Fund, IMF, Azerbaijan's macroeconomic performance ''has been impressive with strong growth, low inflation, and a stable exchange rate.'' Real GDP grew by an annual average of over 10 percent during the last six years and build up to 34.4 percent in the first eight months of 2006, driven by investments in the energy sector, followed by growth in the construction and transportation sectors, and agriculture.

Since signing the ''Contract of the Century'' in 1994 Azerbaijan has developed its energy sources within the Caspian region to diversify western energy supplies. On July 13, 2006 the Baku-Tbilisi-Ceyhan main oil export pipeline was inaugurated. The Baku-Tbilisi-Erzurum natural gas pipeline is expected to be completed this fall. Azerbaijan also actively promotes the Baku-Tbilisi-Kars railroad project which has been recognized as an important part of East-West and North-South transport corridor.

Diversification of the economy and ensuring the development of non-oil sectors is a priority for the government. This policy includes implementation of projects and programs that create favorable conditions for development of

private entrepreneurship, attracting investment in non-oil sector, creating new jobs, evaluation of potential industries and markets, and development of infrastructure in the regions.

The last 16 years of independence has not been without challenges. In 1993 the UN Security Council adopted four resolutions demanding complete, unconditional, and immediate withdrawal of Armenian forces from the occupied territories of Azerbaijan. NATO, OSCE, EU, and other international organizations also repeatedly called for the restoration of Azerbaijan's territorial integrity.

In January 2005 the Parliamentary Assembly of the Council of Europe adopted a resolution clearly stating that ''considerable parts of the territory of Azerbaijan are still occupied by Armenian forces and separatist forces are still in control of the Nagorno-Karabakh region'' and urged the withdrawal of Armenian military forces from all Azerbaijani territories.

We, the United States, recognize Nagorno-Karabakh as a part of Azerbaijan. A State Department's 2005 Fact Sheet states: ''The United States does not recognize Nagorno-Karabakh as an independent country, and its leadership is not recognized internationally or by the United States. The United States supports the territorial integrity of Azerbaijan and holds that the future status of Nagorno-Karabakh is a matter of negotiation between the parties.''

Let us today commend the Republic of Azerbaijan on their forthcoming 16th Anniversary celebrations. And, let us today commit ourselves to their continued development as a global partner against the war on terrorism, toward economic growth, diversification of energy resources, and strengthening stability and security in the region.

TRIBUTE TO SERGEANT BRIAN DEGENHARDT, OFFICER THOMAS BARKER, AND OFFICER JAMES CONLAN OF THE CHICAGO POLICE DEPARTMENT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Ms. SCHAKOWSKY. Madam Speaker, I'd like to take this opportunity to congratulate members of the Chicago Police Department, including Sergeant Brian Degenhardt, Officer Thomas Barker, and Officer James Conlan, for receiving the ''2007 Humane Law Enforcement Award'' last week from The Humane Society of the United States and the National District Attorneys Association. This award was presented to Chicago's Police Department for the creation of its Animal Crimes Unit, which focuses on tackling illegal animal fighting in urban Chicago, where dogfighting has unfortunately flourished in recent years.

With its innovative focus on animal abuse prosecutions, the Animal Crimes Unit of the Chicago Police Department, overseen by Sergeant Degenhardt, now leads the way in combating dogfighting and serves as a model for tackling this insidious crime across the Nation. Although only one single officer in the city used to address crimes against animals in the past, there are now more than 8 specially-trained officers within the Animal Crimes Unit. In 2007 alone, officers Thomas Barker and James Conlan logged more than 40 arrests related to dogfighting and animal abuse, and they recovered more than 100 abused dogs.

But the accomplishments of the Unit don't stop there. When Sergeant Degenhardt was making the case for the creation of the Animal Crimes Unit, he analyzed arrest records for the city between July 2001 and July 2004 and discovered that nearly 70 percent of the 300 individuals arrested for animal crimes were also arrested for other felonies. The methods used by the Animal Crimes Unit have also led to a reduction in other types of criminal activities, including human violence and drug dealing.

I am pleased to join The Humane Society of the United States and the National District Attorneys Association in congratulating these individuals in honor of their dedicated work on behalf of animals.

HONORING THE TUSKEGEE AIRMEN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to honor the Army Air Corps' legendary Tuskegee Airmen. On March 29, 2007, in the U.S. Capitol Rotunda, the surviving Tuskegee Airmen were awarded the Congressional Gold Medal, the most prestigious recognition that federal lawmakers can bestow. Tuskegee Airmen, from Colorado, that received the Congressional Gold Medal include: James E. Harrison, James H. Harvey III, Samuel C. Hunter Jr., Franklin J. Macon, John W. Mosley, Fitzroy ''Buck'' Newsum, Marion R. Rodgers, David A. Smith, William A. Walters, and Randolph Edwards.

The first African-American airmen unit in the U.S. military trained in Tuskegee, Alabama. A total of 450 Tuskegee Airmen served overseas on various missions. During WWII, the Airmen flew missions over North Africa, Italy and Sicily. Collectively, they flew more than 15,000 combat sorties, shot down 111 German planes, and disabled 150 German planes on the ground. Thirty-three Airmen were shot down and held as paws, and 66 of the Airmen were killed.

The Tuskegee Airmen got their start in 1941 after the NAACP filed a lawsuit. President Franklin Roosevelt started the Army Air Corps training program as the first African-American training program. The Airmen were segregated from other units and endured blatant racism and discrimination while helping win World War II and change our Nation for the better. Their achievements helped contribute to the eventual integration of African-Americans into the military and also helped lead the way for further desegregation throughout the Nation.

I ask my colleagues to join me in congratulating James E. Harrison, James H. Harvey III, Samuel C. Hunter Jr., Franklin J. Macon, John W. Mosley, Fitzroy ''Buck'' Newsum, Marion R. Rodgers, David A. Smith, William A. Walters, and Randolph Edwards for their patriotism and service to the United States of America. Their triumph over racism and discrimination, along with their outstanding service, is inspirational, and they are a source of pride for America and for all of Colorado. I wish them continued health and happiness.

RECOGNIZING MARGARET M. (PEGGY) MULLAN'S OUTSTANDING LEADERSHIP OF THE AMERICAN ASSOCIATION OF HOMES AND SERVICES FOR THE AGING

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. SHADEGG. Madam Speaker, I'd like to take this opportunity to recognize an outstanding leader in the field of long-term care and aging services. Margaret M. (Peggy) Mullan is the outgoing chair of the American Association of Homes and Services for the Aging (AAHSA), and I congratulate her on what has been accomplished during her 2-year term.

AAHSA members help millions of individuals and their families every day through mission-driven, not-for-profit organizations dedicated to providing the services that people need, when they need them, in the place they call home. Its 5,700 member organizations, many of which have served their communities for generations, offer the continuum of aging services: adult day services, home health, community services, senior housing, assisted living residences, continuing care retirement communities and nursing homes. AAHSA's commitment is to create the future of aging services through quality people can trust.

During the 2 years that Peggy Mullan led AAHSA, she worked tirelessly to transform aging services, and her leadership has moved the field forward in a number of ways. Under her stewardship, AAHSA has created the Long-Term Care Solutions Project, an innovative plan to revise the financing of aging services. In addition, she placed major emphasis on diversity as part of her leadership agenda, achieving substantive, enduring, and diverse leadership development among our members. She presided over the inauguration of the Advancing Excellence in Nursing Homes campaign, a coalition of long-term care providers, caregivers, medical and quality improvement experts, government agencies, consumers and other stakeholders dedicated to reinvigorating efforts to improve the quality of care and quality of life for those living or recuperating in America's nursing homes. She positioned AAHSA as a leader in achieving the goals of the National Commission for Quality Long-term Care, a non-partisan, independent body charged with improving long-term care in America. The commission is working to develop solutions to the challenges of better financing for long-term care, ensuring consumer choice, attracting and retaining qualified caregivers, and making useful information on long-term care options available to consumers.

Peggy Mullan is a true leader in the field of aging services. In addition to chairing AAHSA, she is the executive director of the not-for-profit Beatitudes Campus in Phoenix, where over 600 elders live in apartments, assisted living, and a skilled nursing center. Hundreds of other elders from the surrounding community receive rehabilitation and education at Beatitudes. At Beatitudes, she has been instrumental in developing a seamlessly integrated system of services to meet the changing needs of residents as they age, a model for the way aging services should be provided to

America's elders. Prior to her work at Beatitudes, Peggy had a leadership role with Volunteers of America. She has chaired the Arizona Association of Homes for the Aging, and has served on Arizona governor's committees and task forces on the nursing shortage, long-term care, Alzheimer's residential care, and assisted living. She also has been a delegate to the White House Conference on Aging.

Although Peggy Mullan is stepping down as AAHSA's chair, her service to our country's elder population will continue. I urge my colleagues to join me in congratulating her on her leadership and I look forward to continuing to work with her to create a healthy, ethical, and affordable system of long-term care and aging services for America's elders.

TRIBUTE TO EMPLOYMENT HORIZONS

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. FRELINGHUYSEN. Madam Speaker, I rise today to honor Employment Horizons of Morris County, New Jersey, a vibrant organization I am proud to represent! On Thursday, October 18, 2007, Employment Horizons is celebrating its 50th anniversary.

Founded in 1957, Employment Horizons is the premiere, not-for-profit agency providing comprehensive employment, training and job placement services to persons with disabilities in the greater Morris County area.

Employment Horizons, formerly known as the Occupational Training Center of Morris County, was founded by a group of concerned parents who wanted to expand work and personal growth opportunities for their children with disabilities. During the 1950s and 60s, those with disabilities had very few options available to them and special education services were just evolving. Work centers, such as their packaging and assembly unit, were developed at that time to provide disabled adults with a place where they could earn money and maintain their self-respect. Over the years the agency has experienced rapid growth in the number of and breadth of services provided to meet the needs and choices of the individuals they serve, both on-site as well as in the community, as well as to meet the changing needs of the business community.

As a social business enterprise, the agency seeks to provide high-quality, competitively priced, services to the business community through their commercial operations while, at the same time, furthering their mission to "assist people with barriers to employment to achieve their individual vocational objectives and establish self-sufficiency in the community."

Over the past 50 years, Employment Horizons has established relationships with hundreds of businesses and created training and employment opportunities for thousands of individuals who require special assistance to obtain employment.

Madam Speaker, I am privileged to honor Employment Horizons. I urge you and my colleagues to join me in congratulating the members of Employment Horizons for their fifty years of service! Again, I offer my praise and thanks to their dedicated trustees, administration, support staff, volunteers and active parents who work tirelessly on behalf of Employment Horizons' children.

HONORING THE 50TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS OF FREMONT, NEWARK AND UNION CITY

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. STARK. Madam Speaker I rise today to honor the League of Women Voters of Fremont, Newark and Union City. On October 27, 2007, the League will be celebrating 50 years of civic engagement with our community. Individuals who helped to shape the Tri-Cities of Fremont, Newark and Union City, after their incorporation, formed the League.

Over the last 50 years, members of the League of Women Voters of Fremont, Newark and Union City have registered thousands of voters, hosted hundreds of candidate and other public forums, published and distributed voter information, and produced a community based cable program that has been actively broadcasting for over 10 years.

The League of Women Voters of Fremont, Newark and Union City has stayed true to its mission and held to its motto: Democracy is not a spectator sport! The League has been a leading voice for voter service, citizen education, advocacy, and government accountability.

I applaud the League members for their commitment to empower citizens to shape better communities. The Tri-Cities, over the last 50 years, have greatly benefited from the League's activities and initiatives to make a positive difference.

I join the Tri-Cities community in thanking the members of the League of Women Voters of Fremont, Newark and Union City for their untiring efforts and send best wishes for many more years of successful public service.

HONORING BUCKS COUNTY COMMISSIONER SANDRA MILLER

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Bucks County Commissioner Sandra Miller, a dear friend and committed public servant. Commissioner Miller has served Bucks County for over 16 years. First elected to the County Commission in 1991, Sandy was re-elected again 1995, 1999 and 2003.

As a Bucks County Commissioner, Sandra Miller was responsible for a county operating budget of over $450 million and a workforce of 2,800 employees. Through her efforts, she was responsible for preserving over 12,000 acres of open space. She also made significant improvements to the emergency management system including the 9–1–1 emergency call system.

The Commissioner and I both attended Bucks County Community College. While I stayed just 1 year, she finished what she started—she graduated from BCCC and went on to the Philadelphia College of Textiles and Science. Sandra was the first graduate of the Community College to serve on its board of trustees. Commissioner Miller was also a pioneer—she was the first woman to serve on the Middletown Township Zoning Hearing Board. As a member of the County Commissioners Association of Pennsylvania, she is a past chair of the Democratic Caucus and was a member of the Tax Reform Committee.

Madam Speaker, Commissioner Miller is not just a great public servant; she is also a close friend. She has stood with me through tough times—times when others weren't around. She is second to none in her knowledge of Bucks County. She is a trusted advisor, a loyal friend and the dean of our county.

Madam Speaker, Commissioner Sandy Miller has led our community with distinction and her legacy is a source of great pride, both to the Miller family and to all of Bucks County. Her selfless devotion to the residents of Bucks County, Pennsylvania has been unwavering and her work to make Bucks County an even better place to live will no doubt continue after she leaves the County Commission. I urge my colleagues to join me today in thanking Commissioner Miller for a career of dedicated service as we wish her luck as she leaves public service and enters private life.

PRESIDENT'S VETO ON S–CHIP

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. BACA. Madam Speaker, I rise today in strong support of the SCHIP program. President Bush's veto on SCHIP has abandoned at least 24,000 children in my District alone. President Bush claims we want "gimmicks" and "funding schemes"—we don't want gimmicks we want insurance for 8.7 million uninsured children. Children like Kristofer and Felecity Famutimi from San Bernardino County, whose hospital care for sickle cell anemia crippled the family financially. Their mom, Ola had to quit her job to take care of them. SCHIP is the only reason they have pulled through.

President Bush claims that Democrats are "putting health coverage for poor children at risk—to gain political points". I am not voting for politics, I am voting for the 33,000 children in my District who are currently uninsured. Covering 800,000 children costs the same as 1 week of the war in Iraq. It is time America gets her priorities in order. I urge my colleagues to secure the futures of our Nations' poorest children by voting to override the President's veto.

HONORING TEMPLE BETH EL'S 80TH ANNIVERSARY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Temple Beth El as it celebrates its 80th anniversary. A celebration will

be held on October 19 in my hometown of Flint, Michigan.

Members of the community committed to principles of Reform Judaism founded Temple Beth El in 1927. The first services were held in the Paterson Building in downtown Flint. Rabbi Leo M. Franklin of Temple Beth El Detroit presided over the signing of the Articles of Association. Maurice Rosenbaum, Moses Rosenthal, Arthur Dubois, and Harry Winegarden were the first officers. The Temple Reform Sisterhood, under the direction of Mrs. James Rapport, started on June 8, 1927 and officially changed its name to Temple Beth Sisterhood when Temple Beth El was formally founded later in the same year.

In January 1935 the first permanent home for the Temple was purchased. Located at the corner of Liberty and East Second Street, it provided a place for services and religious school. The mortgage was burned on October 19, 1941 and the following year the Temple joined the Union of American Hebrew Congregations. It remains affiliated with this organization until today.

Under the direction of Rabbi Morton M. Applebaum the congregation expanded and soon needed a larger space. The Temple moved to the building on Ballenger Highway and the first services held there took place on April 14, 1950. The Jewish community worldwide was in mourning over the murder of six million Jews during the Holocaust. The role of the synagogue as the center of Jewish life took on new meaning and the opening of the new Temple was heralded as an example of the vibrancy of the Flint Reform Jewish Community.

To meet the needs of the community Temple Beth El moved to its present location. This move has provided opportunities to interact with its sister congregation, Beth Israel. The sanctuary and building were designed to enhance the congregation's ability to face the future and meet the challenges of tomorrow. Under the direction of Rabbi Karen Companez, the Temple's first female Rabbi, Temple Beth El has augmented its reputation as the friendly "Temple Family."

Madam Speaker, I ask the House of Representative to rise with me today and applaud Temple Beth El as it celebrates 80 years of spiritual vitality and dedicated community involvement. I congratulate them for their achievement and echo Dr. Max S. Hart when he prayed, "May God let his countenance shine upon all of us, and cause this Congregation to flourish and prosper for the next fifty years."

RECOGNIZING THE SOUTH LEXINGTON 12-YEAR-OLD ALL-STAR TEAM

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. CHANDLER. Madam Speaker, today I would like to recognize the South Lexington 12-year-old All-Star team of Lexington, Kentucky, who recently won the 2007 Cal Ripken/Major 60 World Series in Van Buren, Arizona. This phenomenal group of young people went undefeated this season, securing the World Series title in the final round against Scottsdale, Arizona.

Demonstrating admirable determination and teamwork, the 2007 South Lexington team indisputably rose to the occasion. This year's exciting win is no surprise but merely represents the hard work the players put in all season. The team was no doubt inspired by years of success by previous South Lexington Youth Baseball teams. Ten different South Lexington teams have gone to the Ripken World Series, and in the past 15 years, three of these teams returned home with the title.

I would like to congratulate Coach Kevin Payne, others who supported the team, and, in particular, the players on their success. It is an honor to have such an inspiring group of individuals represent Kentucky's youth, and I very much look forward to seeing the continued achievements of these remarkable young men in the future.

PROMOTION OF ARTISTIC GIVING ACT OF 2007

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. UDALL of New Mexico. Madam Speaker, I rise today with my colleague from Pennsylvania, Mr. ENGLISH, to introduce the Promotion of Artistic Giving Act of 2007, legislation that would amend recently enacted limitations on the donation of fractional gifts with more measured restrictions.

Fractional gifts are charitable donations to museums and galleries of partial interests in art or other collectibles that confer a substantial public benefit while permitting a tax benefit over an extended period of time. Like all qualified charitable gifts, the taxpayer receives an income tax deduction of up to 30 percent of his or her adjusted gross income for the donation to the charitable institution—in this case, museums. Fractional gifts are a valuable tool for many taxpayers due to the value of the art or collectible being donated as the value of the gift is far in excess of the amount of the available deduction. The benefit of these types of donations is that many fractional gifts would never be given to a museum without the potential donor being able to participate in an extended gift-giving program.

While well intentioned, the unnecessarily harsh provisions relating to fractional giving included in the Pension Protection Act of 2006, PPA, have effectively ceased charitable donations of partial interests in art to our Nation's museums and galleries. In trying to close a tax loophole, the PPA suffocated a time-honored method of giving that has made many of our national treasures such as the Hope Diamond and Vincent Van Gogh's "White Roses" available to the public. By rolling back some of the most restrictive provisions of the PPA, this legislation strikes the right balance between tax and charitable giving policy, addresses concerns about tax evasion, removes fractional giving from estate and gift tax provisions, and again encourages lifetime donations of art for the enjoyment of the public.

Since the passage of the PPA, fractional giving has dramatically decreased. For instance, a Santa Fe, New Mexico, museum had a potential donor of a tribal folk art collection worth approximately $2 million withdraw an offer to give the collection to the museum. Similarly, a potential fractional gift of an important body of work from a well-known Pennsylvania artist has been withheld as a result of the change in law.

The PPA made two dramatic changes to the income tax deduction benefits available to donors. First, donors of appreciating artwork are now limited on all contributions to the fair market value determined at the time of the donation of the initial fractional gift. Second, donors are now required to complete the fractional gift within a 10-year period. Combined, these changes negated much of the tax benefits for donating a fractional gift of valuable pieces of artwork and need to be modified. This legislation would slightly modify these provisions to require taxpayers to get a certified appraisal from the Art Advisory Board at IRS for gifts of over $1 million and require gifts be completed during the life of the donor. These modest changes will address congressional concerns about valuation of gifts and unlimited time periods for gifts while providing the necessary incentives for these types of charitable donations.

Unfortunately, the PPA also modified estate and gift tax rules for fractional gifts. These rules have proven to be unworkable and unnecessary. The abuses of fractional giving involved the income tax deduction, not any reduction in estate or gift taxes. Modifying the estate and gift tax laws based on valuation and recapture rules applied for income tax purposes will result in unfair outcomes for taxpayers. Unless these rules are modified taxpayers of completed gifts could have estate tax liability on an asset that is no longer in their estate or have gift tax liability on gifts that were never made. For these reasons, our legislation essentially removes the changes made in PPA to estate and gift tax rules for fractional gifts.

Our Nation has a wealth of culture and creativity. Museums are the venue through which individuals can learn from, engage in, and enjoy history, culture, and art. Our bill will encourage the transfer of museum quality pieces from individuals to public institutions.

I look forward to working with my colleagues on swift passage of this important legislation.

HONORING LT. COL. PEDRO ALTIERY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. ENGEL. Madam Speaker, among the many of our men and women who serve in Iraq are the Nurse Corps Officers who treat the ill and the wounded, giving sustenance while saving lives.

Lt. Col. Pedro Altiery is one such member of that Corps whose exceptionally meritorious service earned him the Bronze Star for his service during Operation Iraqi Freedom from March, 2005 to May, 2006.

He was described as one of the best Nurse Corps Officers who ensured the highest standards were kept in operating rooms and in providing quality care to the detainee population. He developed a highly organized, professional and clinically excellent team which could be called on in a moment's notice to be fully operational.

He set the tone for his team with his enthusiastic leadership. He wrote detailed Standards of Operating Procedure that are still used today and will be for the duration of Operation Iraqi Freedom.

I salute the great work done by Lt. Col. Altiery under exhausting conditions while maintaining his extraordinary technical skill and expertise. As well as thank him for his meritorious service to our country.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mrs. MALONEY of New York. Madam Speaker, I was unable to cast floor votes during the week of October 8, 2007, and on October 15, 2007, because of a death in the family.

Had I been present for the votes, I would have voted ''yea'' on rollcall votes 949, 950, 951, 952, 953, 954, 955, 958, 960, 961, 962, and 963, and ''no'' on rollcall votes 956, 957, 959.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. WELLER of Illinois. Madam Speaker, I was absent on Monday, October 15 through mid-day Tuesday, October 16, due to an illness in the family.

If I were present I would have voted ''yea'' on rollcall vote 961, ''yea'' on rollcall vote 962, ''yea'' on rollcall vote 963, ''no'' on rollcall vote 964, ''no'' on rollcall vote 965, ''no'' on rollcall vote 966, ''no'' on rollcall vote 967, ''yea'' on rollcall vote 968, ''yea'' on rollcall vote 969, ''yea'' on rollcall vote 970, and ''yea'' on rollcall vote 971.

HONORING THE 80TH ANNIVERSARY OF CALTRANS STRUCTURE MAINTENANCE AND INVESTIGATIONS

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to pay tribute to the dedicated professionals of the California Department of Transportation's Office of Structure Maintenance & Investigations, which is marking its 80th anniversary of service to the people of the Golden State.

In 1927, while Babe Ruth swatted 60 home runs and Charles Lindbergh crossed the Atlantic Ocean solo, the State of California showed the wisdom and foresight to create a special branch of engineering experts to ensure the safety and reliability of its State highways and bridges.

Babe Ruth's home run mark fell in 1961 to the bat of Roger Maris and air travel over the ''pond'' became a routine occurrence. All the while, California's bridge maintenance program has stood the test of time and continues to deliver on its mission of providing Californians with a safe and dependable network of bridges carrying traffic and pedestrians over rivers, canyons, railroads, highways and city streets all across the Golden State.

That effort is still paying dividends for California and the Nation. More than 24,000 State and local agency bridges in California reliably serve millions of travelers and billions of dollars of commerce because of the ongoing care provided by Structure Maintenance & Investigations staff. These structures run the gamut from the majestic San Francisco-Oakland Bay and San Diego-Coronado bridges to the historic arch spans along the scenic Monterey Coast and the tens of thousands of unassuming concrete, steel and timber bridges dotting the California landscape.

The safety and reliability of California's bridges has been instrumental in fueling one of the world's largest economies. More than 160 million vehicle trips are recorded on California's transportation system each day.

Caltrans Structure Maintenance & Investigations engineering personnel have conducted more than 650,000 routine inspections and thousands of special hydraulic, steel and underwater bridge inspections since 1927. They look for any signs of deterioration, fatigue or distress in bridge decks, superstructures and substructures, and the office has initiated tens of millions of dollars in repairs to ensure the safety and structural integrity of each public agency bridge in California.

Thanks to the ongoing dedication of the Structure Maintenance & Investigations professionals no public agency bridge in California has ever collapsed due to neglect. The bridge inspection program pioneered by Structure Maintenance & Investigations has become the model for transportation agencies around the Nation and the world.

As part of its ongoing bridge maintenance program, Structure Maintenance & Investigations maintains a library of more than one million documents, some dating back more than 100 years, documenting the history of each public agency bridge in California.

Structure Maintenance & Investigations personnel have responded in a timely and heroic fashion to a myriad of natural and manmade disasters to protect public safety and complete any needed repairs to California's transportation system. While their efforts have been well chronicled in major disasters such as the 1989 Loma Prieta and 1994 Northridge earthquakes, SM&I personnel routinely answer the call to protect public safety. Such a case occurred last year in California's Sonoma County where two engineers risked their own safety to inspect the Highway 128 bridge over the rampaging Russian River near Guerneville. The engineers determined that the floodwaters had compromised the integrity of the bridge. They closed the structure and initiated a project that resulted in construction of a new bridge.

Madam Speaker and colleagues, it is appropriate for us to convey to all the dedicated professionals at the California Department of Transportation Office of Structure Maintenance & Investigations the thanks of a grateful state for years of dedicated service ensuring the safety and reliability of our transportation system.

HONORING ROSAMOND BEATRICE OCTOBER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. ENGEL. Madam Speaker, Rosamond Beatrice October is 100 years old and the United States was fortunate to woo her from her native Guyana. She was born there on November 6, 1907 and has lived through perhaps the most remarkable age in the world's history.

In 1928 she and William October were married and had two children before they adopted several more. She was a successful caterer in Guyana and in 1973, at an age when most people have retired; she came to America and continued her successful catering operations.

She is a grandmother of 12 and great grandmother of 14, and aunt of several nieces and nephews. She lives with her daughter, Claudette Cox, in the Bronx and is the oldest member of the Eastchester Presbyterian Church. She attributes her long life to her faith and trust in God. And we thank God for allowing Mrs. October to remain with us and share her gifts of love and experience with us all.

I offer her my sincere wishes for the happiest of birthdays and congratulate her for a long and successful life.

THE FREE FLOW OF INFORMATION ACT

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of the Free Flow of Information Act, H.R. 2102, legislation that would prevent journalists from being forced to reveal their confidential sources in legal proceedings.

This important bill has strong bipartisan support and the endorsement of countless news organizations and the Newspaper Association of America.

The ''press shield'' is critical to the functioning of our democracy. Compelling reporters to testify and reveal the identity of confidential sources hinders the free flow of information. Many people with important information about government wrongdoing would rather stay quiet than reveal their identities. Sometimes the only way a reporter can gain access to a source's information, and bring it to the public's attention, is by guaranteeing that source confidentiality.

H.R. 2012 strikes a common sense balance between the public's need for information and fair justice. It would compel reporters to reveal the identity of a source if the court finds it necessary to prevent ''imminent and actual harm to national security'' or ''imminent death or significant bodily harm.''

The First Amendment states that, ''Congress shall make no law . . . abridging the freedom of speech, or of the press.'' The Founding Fathers clearly envisioned a free press that would enable the electorate to make informed decisions and hold the government in check. That's precisely what this bill would do.

I urge my colleagues to support H.R. 2012 and protect the free press that our Founders envisioned.

HONORING THE DISTINGUISHED CAREER OF REPRESENTATIVE LOUIS W. STOKES

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. COOPER. Madam Speaker, I rise today to honor a former Member of this body, Louis W. Stokes, for his contributions both in service to our Nation and to the State of Ohio. Representative Stokes has made significant strides in increasing benefits to veterans in the Cleveland area, and through his work on the Appropriations Committee, he brought significant increases in revenue to the Cleveland's East Side. He was recently inaugurated into the Karamu House Hall of Fame for his contributions to the continued legacy of Cleveland's black settlement house and theatre.

Louis Stokes was born in Cleveland and grew up in one of the Nation's first federally funded housing projects, the Outhwaite Homes. He served in the Army during World War II, attended Western Reserve University and Cleveland-Marshall College of Law, and began practicing law in Cleveland in 1953. In 1968, Stokes argued the seminal ''stop and frisk'' Terry v. Ohio case in front of the United States Supreme Court. He was elected to the House in 1968, representing the 21st District and then the newly created 11th District, both on Cleveland's East Side. He was Chairman of the House Select Committee on Assassinations, charged with investigating the murders of President John F. Kennedy and civil rights leader Martin Luther King, Jr. He also served on the House committee that investigated the Iran-Contra Affair and was a founding member of the Congressional Black Caucus. By the time of his retirement in 1999, Stokes had represented the people of Cleveland for nearly 30 years. He was dean of the Ohio delegation and one of the most senior members of this body.

Madam Speaker, Louis Stokes' contributions to public life have been celebrated in many ways, not least of which is the Louis W. Stokes Health Policy Lecture at Meharry Medical College in Nashville. Today, October 17, 2007, Representative Stokes was honored at Meharry for his pioneering contributions to the field of health policy and law. And today I rise to extend my heartfelt congratulations and appreciation to Louis Stokes, to celebrate his long career of public service and to encourage my colleagues to join me in honoring him. May his words inspire new generations of leaders to follow in his footsteps and serve their country.

''THE WAR'' AS OPINED BY WINSTON GROOM OF POINT CLEAR, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. BONNER. Madam Speaker, earlier this week one of my constituents—nationally-renowned author and historian, Winston Groom—wrote an op-ed piece for the Mobile Press-Register offering at least one theory as to why the reviews of Ken Burns' recent documentary series, ''The War,'' have been panned by several of America's leading and supposedly ''most respected'' national publications.

As you may know, ''The War'' recently aired throughout the Nation on PBS. While admitting that the ''Second World War was fought in thousands of places, too many for any one accounting,'' Mr. Bums and his extraordinarily talented team tell the story of four American towns and how some of the citizens from those towns experienced and remember ''The War.''

The personal accounts of these men and women in their own unique dialects and accents tell an important and powerful story of World War II and the men and women that Tom Brokaw, among others, has deemed ''The Greatest Generation.''

This documentary shows the significant sacrifices made by the brave men and women of the American military, as well as the millions of American families whose loved ones were fighting the forces of evil during the Second World War.

As Mr. Groom so eloquently explains in his article, the underlying complaint of ''The War,'' shared by many in the mainstream media who reviewed the film, is ''grounded in the new liberal fad of 'moral relativism' '' and self-hatred. Unbelievably, some of these critics appear to believe that Mr. Burns' documentary was simply too ''pro-American'' and not sympathetic enough to the Germans and the Japanese.

After watching this fascinating documentary with my wife and children, I, personally, could not be more proud to be an American. Moreover, I believe this film should be required watching in every school in America.

Today, Madam Speaker, I rise to ask that this op-ed piece be entered into the CONGRESSIONAL RECORD in its entirety, for I believe Winston Groom may be on to something:

HATCHET JOB ON ''THE WAR''

(By Winston Groom)

Many of you who enjoyed Ken Burns' ''The War'' may or may not be surprised that much of the mainstream media trashed the series.

At the simplest level, their complaints illustrate the common literary fallacy in which the critic reviews not the film (or book) that was written, but the one that he wanted to see written. But this is merely one technique of doing a hatchet job.

The underlying complaint against Burns' film by such revered organs as ''The New York Times'', ''The New Yorker'', ''Slate'' magazine, etc., is grounded in the new liberal fad of ''moral relativism'' or ''moral equivalency, ''a doctrine that seeks to have us believe that in the real world, there are in fact no ''good guys'' or ''bad guys.''

Instead, everything is ''relative'' (i.e. Oh, poor Adolf. He was simply misunderstood.).

Thus, Alessandra Stanley of the Times felt compelled to inform her readers that, ''Examining a global war from the perspective of only one belligerent is rarely a good idea.''

I myself had a similar run-in with that kind of thinking when the Times trashed my history ''1942: the Year That Tried Men's Souls,'' so 1 know whereof I speak.

In that instance, the Times for some reason assigned the hatchet job to its theater editor, who carped that I was ''cheerleading'' for America and ''conducting a pep rally for the Allies.'' It made me wonder just who she wanted me to cheer for—Hitler? Tojo? Or were we all of us—Japan, Germany, America, England, Russia—equally at fault for the war?

In the online magazine ''Slate'', Beverly Gage was constrained to label ''The War'' ''manipulative, nostalgic and nationalistic, '' and lamented that it offered ''no commentary from the German or Japanese'' side.

To be fair, she also complained that it offered no commentary from the British or Canadians, to which she might also have added that we didn't hear about the Norwegians or the Peruvians—or the Ugandans, for all it matters.

The point is, that was not what the film was about. It was about America and Americans in World War II, as was plainly stated at the beginning of each episode. To be fair again, Ms. Gage acknowledges this, or, in her words, ''Burns admits this,'' but then she goes on to complain about it anyway.

Ms. Gage also spears the film for offering ''fantastically sentimental stuff—Ken Burns at his most indulgent.''

I, for one, didn't see anything particularly sentimental about pictures of dead American Marines floating face down on the beaches of Tarawa or being carted off the battlefield.

Ms. Gage also hints in her review that the story told by Mobile's Eugene Sledge about some Marines pulling gold teeth from dying Japanese soldiers smacks of American racism, since in the European Theater, the absence of that unpleasant custom presumably denied similarly situated Germans their experience of a lifetime.

In The New Yorker, Nancy Franklin's objection, rather than moral relativism, is that ''The War'' is just plain bad film-making.

''They've taken a subject that is inexhaustible and made it merely exhausting,'' she writes, before going on to complain about the sound track and narration and that a lot of the footage Burns selected had been used before—as if Burns, being unable to conjure up some stash of unused footage, was somehow obligated to use old bad footage instead.

She also found tedious Burns' style of using real participants in the war to describe their experiences rather than, one supposes, using analysts, historians and politicians. Myself, I rather enjoyed hearing from such contributors as Dwain Luce, Sid and Katherine Phillips, Maurice Bell, Willie Rushton and others who actually lived it.

As Ms. Stanley writes in her review, '' 'The War' gives generous voice to a wide variety of voices, but they are all American voices,'' which, she complains, ''is the only tale Burns wants to tell.''

The strange implication here is that surely Burns could have dug up a Hiroshima survivor or a fugitive Nazi SS man to tell his side of the story—or better yet, a Kamikaze pilot.

What really underlies this ''moral relativism'' is the fetish of self-hatred that has become so pervasive in the mainstream media and the halls of academia. Whatever the issue, ''America is at least no better than the rest of them, and probably worse'' is their mantra, and anything that smacks of patriotism is automatically suspect.

Heaven help us if this had been the bunch in Philadelphia on the Fourth of July, 1776, when they were trying to find people to sign the Declaration of Independence.

HONORING CAPTAIN JOAN R. DAVIS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. ENGEL. Madam Speaker, Captain Joan R. Davis was awarded the Army Commendation Medal, the Iraq Campaign Medal, and the Army Achievement Medal, among other awards, for her accomplishments as Head Nurse in Camp Bucca, Iraq.

There she was responsible for the comprehensive health care needs and provision of health care to more than 8,600 detainees. To accomplish this she was responsible for the oversight of 10 officers and 75 enlisted personnel.

Among her many duties was the assessment, planning, and implementation and evaluation of detainees at the facility. She provided consultations with other members of the allied health care team on the highly complex comprehensive nursing care of the diabetic population.

She also served as liaison with forward Operating Base and Theater Internment Facilities.

We are fortunate to have such an individual with us here in the Bronx, as a Registered Nurse at Montefiore Medical Center. I congratulate her for her dedicated service to our country and for her equally dedicated service at MMC.

RESOLUTION CONGRATULATING THE UNITED STATES WOMEN'S NATIONAL SOCCER TEAM ON ITS PERFORMANCE AT THE 2007 FIFA WOMEN'S WORLD CUP

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to congratulate the United States Women's National Soccer Team on its recent performance at the 2007 FIFA Women's World Cup in China.

I am pleased to be introducing this resolution with the support of my colleagues Mrs. BONO, Mr. WALSH, Mrs. CAPPS, Mrs. NAPOLITANO, Ms. BORDALLO, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. ARCURI, Ms. SCHAKOWSKY, Ms. WATSON and Mr. TOWNS.

In the spirit of international goodwill, the women of our National Soccer Team competed with the elite women of Norway, Nigeria, England, and Sweden exhibiting sportsmanship and determination every moment on and off the field. Furthermore, finishing in the semifinals, the team maintained its record as being the only country to finish in the top 3 in all 5 Women's World Cup tournaments that have been contested.

Their contribution to American female athletics is a testament to the legacy of Title IX, now in its 35th year, as well as the dedication and hard work of the players, coaches, and trainers. The support of women's soccer fans around the globe for the games of the 2007 FIFA Women's World Cup anticipates the coming 2008 Summer Olympics and the 2009 opening of a women's professional soccer league in the United States.

Madam Speaker, I commend the United States Women's National Soccer Team and ask my colleagues to join me in affirming the importance of athletic participation for young women and men across our Nation.

RECOGNITION OF THE 2007 OKALOOSA COUNTY FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the U.S. Congress, it is an honor for me to rise today in recognition of the Gerald Brooks family for being selected the 2007 Okaloosa County Farm Family of the Year and for their contributions to the agricultural development of Baker, a city in my district in northwest Florida.

For over 35 years, Gerald and his wife Mary have been actively involved in farming in northwest Florida. Gerald was born and raised on the farm and while being one of nine children, he was the only child who stayed in farming. The family business began around 1930, when Gerald's grandparents relocated from Evergreen, Alabama to Okaloosa County. They moved to the farm's present location in 1940. Sharecropping corn with his grandfather during his last year of high school helped to groom young Gerald for one day taking over the family farm.

After serving in the United States Army from 1969 to 1971, Gerald began farming full time. He demonstrated his tremendous work ethic in all aspects of farming. He has worked tirelessly to improve the agricultural and farming practices for his community by serving on the Farm Bureau of Directors and the Okaloosa County Extension Advisory Committee for several years. Gerald continues to assist the local Extension office by offering his land for on-farm demonstrations, which includes a current project with a soybean Asian rust plot.

Throughout the years, the Brooks family farm has produced cotton, peanuts, soybeans, wheat, and the largest selection of fresh vegetables in the area. Gerald personally plans, plants, and manages all growing of the crops in addition to other day-to-day operations on the farm, while his sister, Kathy, oversees the harvesting and marketing of the crops.

Madam Speaker, on behalf of the U.S. Congress, I would like to offer my sincere commendation to a family that is a role model for all of us. A deep sense of civic contribution and values has been instilled through all the generations of the Gerald Brooks family. It is my hope that this family tradition continues for many more generations.

TRIBUTE TO FAUNE RIGGIN

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mrs. EMERSON. Madam Speaker, I rise today to congratulate Faune Riggin on being recognized as one of the top ten programmers in small market radio in America. As Program and News Director at KZIM–KSIM radio in Cape Girardeau, Missouri, Faune has brought passion, hard work and innovative ideas to her job. Her talented work has made an enduring impact on the communities which comprise the KZIM–KSIM radio listening area.

Faune understands the importance of radio. Radio is an essential part of the lives of many Americans. It is more than just an information vehicle or advertising tool—it connects our communities. Since joining KZIM–KSIM, Faune has worked tirelessly to ensure listeners remain informed and connected.

Faune's successes, both in and out of the radio industry, have been observed and duplicated by the staff at KZIM–KSIM. Her passion and commitment to excellence continues to inspire others to dedicate themselves to the same ideals. Not only is Faune a true professional, she remains a valued member of the Cape Girardeau Community by involving herself in charities and lending a helping hand to others.

Madam Speaker, it is a great privilege to honor Faune Riggin on this great achievement. I ask that you join me along with Faune's family, friends and listeners to congratulate her on this momentous occasion and to wish her a rewarding and productive future.

MALVERN FEDERAL SAVINGS BANK 120TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. GERLACH. Madam Speaker, I rise today to honor the Malvern Federal Savings Bank as it celebrates its 120th Anniversary this year. Malvern Federal Savings Bank, first known as the Malvern and Duffryn Mawr Building and Loan Association, opened its doors in 1887 at King Street and Warren Avenue in Malvern, PA. The Bank moved to new locations on Malvern's King Street in both 1938 and 1955, and to nearby Paoli in 1957. The Bank headquarters, which underwent an extensive renovation in 2004, remains in Paoli today. The institution has continued to expand through the opening of multiple financial centers and today has offices in Paoli, Berwyn, Malvern, Westtown, Lionville, Exton and South Coventry.

The community bank has dedicated itself through the years to fulfilling the financial needs of people and businesses throughout Chester County, Pennsylvania and the surrounding areas. For 120 years, Malvern Federal Savings Bank has remained a mutual savings bank owned by its depositors, thus ensuring that it always meets the needs of the community first. The Bank prides itself on staying active in the community, donating time and funds to numerous local events and fundraisers each year, as a way to give back to residents and businesses that have been supportive for so many decades.

Ron Anderson currently serves as the Bank's president and chief financial officer and F. Claire Hughes, Jr. as the chairman. Malvern Federal Savings Bank is one of the oldest banks based in Chester County and continues to offer numerous services to its customers and community.

I know all my colleagues join me today in congratulating the Malvern Federal Savings Bank as it celebrates its 120th Anniversary and continues its proud tradition of community involvement, business excellence, and superior customer service.

A PROCLAMATION HONORING THE 550TH ANNIVERSARY OF THE MORAVIAN CHURCH IN GNADENHUTTEN, OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of the Moravian Church of Gnadenhutten, Ohio celebrates the 550th anniversary of the Moravian Church with great joy; and

Whereas, this occasion is a time to look back at the origins of our great state with the founding of the first settlement in Ohio by missionary David Zeisberger amongst the Le Nape Indians in 1772; and

Whereas, the Moravian Church continues as the oldest Protestant denomination in existence; and

Whereas, the Moravian Church have demonstrated excellence in its calling as a church, and we are proud to have it in the great state of Ohio and our Nation; be it

Resolved, That along with the residents of the 18th Congressional District, I commend the congregation for their unwavering commitment, recognizing that all great achievements come from great dedication. With great appreciation and respect, we recognize the tremendous impact this congregation has had in the community and in the lives of those people they have touched.

COMMENDING NASA LANGLEY RESEARCH CENTER ON ITS 90TH ANNIVERSARY

SPEECH OF

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. SCOTT of Virginia. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 222, which honors the NASA Langley Research Center on its 90th Anniversary. Started in 1917 as the nation's first aeronautical research laboratory, NASA Langley has become a world leader in aeronautics research and has led the charge in developing technology to improve the field of aeronautics. NASA Langley has worked to improve aircraft landing systems, the shape of aircraft wings, and the safety of hypersonic flight. NASA Langley also tests the configuration of many commercial and military aircraft models in its unique wind tunnel system. Finally, the Center is conducting work to enable pilots to better land in bad weather through the use of satellite and global positioning information. These improvements have led and will continue to lead to critical advances in both commercial and military aircraft. The increased safety resulting from these advances benefits us all.

NASA Langley has also played a key role in furthering space exploration. From the first manned space exploration mission to sending landers and rovers to Mars, NASA Langley has made significant contributions to make these journeys possible. NASA Langley trained the original seven astronauts who flew with the Mercury 7 mission—the first national manned space flight. The Center also led the Viking mission to Mars—the first successful U.S. to that planet. After the Columbia shuttle tragedy in 2003, NASA Langley performed critical work to determine how to return shuttles safely to space, including conducing research in aero-thermodynamics and structures and materials used in space shuttle technology. These missions have helped to keep the U.S. at the forefront of space exploration.

NASA Langley is also doing its part to get the next generation prepared and excited about working for NASA. Through its education programs, NASA reaches out to students to get them involved and excited about the fields of Science, Technology, Engineering, and Math (or STEM).

I would like to thank NASA for its continued recognition of NASA Langley as a viable, thriving part of the NASA community. I would also like to thank the individuals who have worked and who are currently working at NASA Langley for their sustained efforts in making the Center a world leader in the aeronautics and space exploration fields. Finally, I would like to recognize the leadership of my former colleague, the late Representative Jo Ann Davis, on this resolution. Congresswoman Davis was a tireless champion for NASA Langley and will certainly be missed. It is my hope that the Virginia delegation can continue this strong support for NASA Langley and look forward to more anniversaries to come.

SUPPLEMENTARY DOCUMENTS ON TRANSGENDER ISSUES

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. FRANK of Massachusetts. Mr. Speaker, on October 9 I delivered a speech in the House regarding, among other things, my involvement in advocating for civil rights protections for transgender individuals. Following those remarks, I inadvertently failed to submit for the RECORD several documents to which I had made reference during the speech, specifically excerpts from testimony I gave before an Education and Labor Committee subcommittee last month in support of including full transgender protection in the Employment Non-Discrimination Act, and from two other speeches addressing transgender issues that I offered during previous debates on the House floor. In order to give a fuller picture of my views on these important topics, I ask that the documents be printed here.

EXCERPT FROM TESTIMONY OF U.S. REP. BARNEY FRANK, SUBCOMMITTEE ON HEALTH, EMPLOYMENT, LABOR AND PENSIONS, ''THE EMPLOYMENT NON-DISCRIMINATION ACT, H.R. 2015,'' SEPTEMBER 5, 2007

Mr. FRANK of Massachusetts. . . . And then we have the issue that my colleague so ably discussed of the transgender—and I understand that this is a new issue for people. There are people who were born with the physical characteristics of one sex who strongly identify with the other. Some of them have a physical change, some of them don't. Let me make a plea to all of my colleagues—these are people—think what it must be like to be born with that set of feelings. Think what it must be like, think what stress—what agony you go through—to defy society's conventions to the extent where you make that kind of a statement. This is something people are driven to do. Is there any reason why any of us should make the lives of those people more difficult than they already are?

Obviously these are people who are coping and things are getting better. Things are better in many ways. When I was younger, a lot of things were difficult that are less difficult today. But what we say here is if someone has these feelings—if someone is born with one set of characteristics and strongly identifies the other way—should you fire him? You deny him a promotion? You say no matter how good your job is, that makes me uneasy so out you go. That we say in here you can make rules that those people have to abide by. That they dress in a gender consistent way . . .

There is another issue we . . . have to talk about. What happens when they're all in the shower together—you know you can segregate bathrooms, but in showers it's a little difficult. This says no, people don't have the right to go into open places where people are unclothed in a way that's to embarrass people. That we talk about an accommodation, again people will say, ''well you didn't do that well enough.'' There's room for some fine-tuning there, but on a fundamental principle—particularly for those people who are themselves made the most uneasy by the transgender issue—and I must say having worked with a lot of transgender people, I would tell my friends you get over it pretty quickly. Because what you find out is you're dealing with human beings like all the rest of us—normal human beings who have the same emotions and needs and strengths and weaknesses all of us have. But for those who are not yet at the point of comfort with them, do we really feel driven to make life harder for these people?

By the way, I just want to deal with this choice issue. No one I believe in the history of the world has said, ''you know what, life's too easy. I think although I was born a woman I'm going to act like a man. I think that would be a real lark. I think I'll just go through life that way and invite physical abuse and invite all kinds of ridicule.'' So that's all we're saying. And let me say here—a final appeal—if there's any institution that ought to understand this it's here. Let me tell you what I know. This institution—we as Members—are very well served by a large number of gay and lesbian employees. And many of my colleagues on the Republican side know that and have, to their credit, employed them.

I wouldn't have said this a couple of years ago, but after the recent incident it's now public. For years the Clerk of this House was a gay man, a Republican named Jeff Trandahl, whose orientation became public because he behaved in a very honorable and admired way in the issue of our former colleague, Mr. Foley. And the Ethics Committee saluted Mr. Trandahl. You know, Jeff Trandahl is an example and I know Jeff well and he's a friend whom I respect and admire and given the role he played, how much easier it would have been—maybe some troubles could have been avoided if there were legal protections that he and others would have had so they would not be subject to prejudice.

I'll acknowledge—yes—as Mike Carney's example will show and my own example will show—people say ''well you know some

of these gay people are misbehaving.'' Yeah, living a life that you were trying to hide from others is not a prescription for model behavior. And you do dumb things in the closet sometimes. It's not an excuse. It's your fault when you do them. But it's in society's interest to diminish that pressure. And you can do that today. Thank you.

APPOINTMENT OF CONFEREES ON H.R. 4200, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—House of Representatives—September 28, 2004—Excerpt From Debate on Hate Crimes Legislation

Mr. FRANK of Massachusetts. This bill criminalizes actions that consist of violence against individuals. It allows the Attorney General to enter under certain limited circumstances, if it is a Federal crime of violence under the Federal U.S. Code. It allows certain other things if there is an act of bodily injury or an attempt to cause bodily injury. Nothing in here criminalizes speech. In fact, when people start talking about Sweden, it is a pretty good indication that they do not have anything to talk about with regard to the law that we are voting on in America. By the way, America, unlike Sweden, has a first amendment, and the Supreme Court would have banned that if anybody tried to.

Finally, to refute that argument, which is without any merit whatsoever; I mean, sometimes we get close questions here. That one has no merit. There is nothing remotely in this bill that threatens anybody's speech. But here is the proof of it, and it also is a sign of the gross inconsistency of those on the other side. We are not starting down any path today, except the path of their illogic. What we are doing is adding a category to existing Federal categories. There are already on the books laws that create hate crimes. It is not the case that every crime is treated equally.

By the way, there was one category of people, and violence against them is much more seriously treated than violence against anybody else. If you are so offended by that, where is your motion to amend the law and take away the statute that says it is a super Federal crime to assault one of us. If a Member of Congress and a private citizen are walking down the street and they are both assaulted, it is a much more serious crime against the Member of Congress. Where is your consistency? If you mean what you say, why have you not gone after that, or is it okay if you are protected, Madam Speaker?

And then we have race on the books, and we have religion. Has anybody ever found a case where they say, well, once you do this, someone's free speech will be impugned? Are you telling me there are no racists in America? Are you telling me that no one makes racially offensive remarks? People do. And none of them, none of them have ever been prosecuted for hate speech.

So, in fact, you deny the reality, Madam Speaker, when people say this, that there are already on the books certain categories that are treated as hate crimes. None of them have led to there being any impugning of people's free speech.

Then the question is, why do we want to do this? In the first place, no one is saying that if you were violently assaulted, you will not be protected by the law. Why do we add an additional element if it is a hate crime? And here is the reason: When people are going out and singling out people because of their race or their color; and, by the way, if people who are white are being assaulted by people of another race because of their race, that is a hate crime, and it ought to be treated as such. I do not share the view that that is a bad thing. It is wrong for thugs to tyrannize people because of that, and it is worse than another crime for this reason.

If some individual is walking down the street and is randomly assaulted, he or she is traumatized. But if another individual is singled out because of her race or religion or sexual orientation or gender, then it is not simply the individual who has been assaulted but others who share that characteristic who are put in fear.

We do have a particular problem. The gentleman said, well, you are saying gender instead of sex. Yes, there are people who are transgendered in our society. They are sadly often victimized. They are often victims of violence. Yes, I think it is a good idea to come to their aid. And if the gentleman thinks it is a mistake to go to the aid of people who are transgendered who are more often than others victimized and who are put in fear for that, then we do disagree, and I welcome the chance to vote on it.

CHILDREN'S SAFETY ACT OF 2005—House of Representatives—September 14, 2005—Excerpt From Discussion of Hate Crimes Legislation

Mr. FRANK of Massachusetts. Mr. Chairman, I want to address some of the misconceptions that arise when we deal with this legislation. I and many of the strongest proponents of hate crimes legislation are also among the strongest proponents of free expression in this House, and I want to be very clear. A belief in free expression means the belief in the right of obnoxious people to say hateful things. This is not an effort to prevent people from engaging in racist or homophobic or sexist insults. I regard that to be a very unpleasant but fully constitutionally protected practice, and there have been mistaken assertions in this.

There was in fact a case in Philadelphia which lent itself to the interpretation that unpleasant speech was being prosecuted. That case was thrown out of court, and it was wrong. Nothing in this law in any way, this amendment that the gentleman from Michigan, who happens to be one of the greatest defenders of freedom of expression in the history of Congress, nothing in this amendment impinges in any way on anybody's right to say or write anything they want.

What it says is that if you commit an act which is otherwise a crime, because the predicate for this is that you have to commit a physical act which would be a crime against a person or property, but generally against a person, that it becomes an aggravating factor if it is demonstrated to be motivated, and the courts have made it clear that you have to demonstrate this is an element of the crime in some way, you must demonstrate that it was motivated by prejudice.

Now the argument is, well, why is one kind of crime worse than any other? Well, in fact, of course, our laws, State and Federal, are replete with examples where the exact same act is treated more harshly depending on the motivation. We have laws that particularly single out crimes against the elderly. We have laws that say if you desecrate one kind of property it is worse than if you desecrate another.

Here is the rationale for this. If an individual is assaulted and the individual chosen for the assault was chosen randomly, that is a very serious problem for that individual, and the crime ought to be punished and the individual protected. But where individuals are singled out for assault because of their race, because of their sexual orientation, because of their gender or identity, and transgendered people are among those who have been most recently viciously and violently attacked, it is not simply the victim of the violent assault who is assaulted. Other people in that vicinity, in that area, who share those characteristics, are also put in fear. And it is legitimate for us to say that when you have individuals being singled out because of a certain characteristic, this becomes a crime that transcends the assault against the individual. It does not mean we do not protect the individual. It means that we go beyond that.

Now there are people who say, look, if you hit anybody, it is exactly the same thing. I doubt their sincerity, Mr. Chairman. Because, as I understand it, under Federal law, if one of us were to be walking out in the street with a private citizen and we were both assaulted, the individual assaulting us has committed a greater crime than the individual assaulting a private citizen. That is, we have one category of hate crimes in that it is a more serious crime to assault a Member of Congress.

Now, by the way, it is obviously not in any way constitutionally inappropriate to denounce Members of Congress. We all know that. So anyone who thinks that when you have enhanced a sentencing by singling out an individual you have immunized him or her from criticism, just look at us. I do not know anybody who is proposing that we get rid of that.

So here is what we are dealing with. We are dealing with a law which in no way impinges on anyone's freedom of expression and says that when individuals are physically harmed in part because of who they are that others who share that characteristic are also put in fear, and that is a way to try to diminish that form of activity.

I should add, too, that we have recently seen more of an outbreak of this sort of violence against people who are transgendered, and it is important for us to come to people's aid . . .

A PROCLAMATION HONORING THE 90TH BIRTHDAY OF THE AMERICAN RED CROSS IN HOLMES COUNTY, OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. SPACE. Madam Speaker:

Whereas, the Holmes County Red Cross celebrates its 90th birthday with great joy; and

Whereas, the Homes County Red Cross provides vital services to the residents of Holmes County; and

Whereas, services such as Health and Safety, Disaster Services, Armed Forces Emergency Services, and Blood Services are provided; and

Whereas, these services provide communication, training and education; be it

Resolved, That along with the residents of the 18th Congressional District, I congratulate you on your 90th Birthday. With great appreciation and respect, we recognize the tremendous impact the Holmes County Red Cross has had in the community and in the lives of those people you have touched.

HONORING LONG BEACH CALIFORNIA SCHOOL DISTRICT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to proudly honor the Long Beach Unified School District. While we work to reauthorize the No Child Left Behind Act to improve access to quality education for all of America's children, the Long Beach Unified School District shines as an example of what we hope to accomplish.

This district is California's third largest and is setting an example for districts across the nation to follow, by showing that all students, no matter their background, history, or personal obstacles, can achieve their full potential. It was a finalist for this year's Broad Prize for Urban Education, which is a great honor. That accomplishment is all the more amazing because Long Beach, which won the top prize in 2003, is the only former winner to make it back into the finals.

Under the leadership of Superintendent Chris Steinhauser, Long Beach is showing what public schools can do. Superintendent Steinhauser works with parents, teachers, board members, and other community members to create a district that has a ''team feeling.'' The effect is a system that demands results and delivers solutions to the many problems that districts face.

The ''Long Beach Way'' puts into practice the best of school reform, whether homegrown or from somewhere else. Innovative programs such as Intervention Counselors, who work with high school students at risk of failing, and Algebra ABCD, which provides additional supports that allow students to achieve at high levels, are just two of the exemplary programs that Long Beach Unified provides for its 90,000 diverse students.

I commend the hard working teachers and administrators of Long Beach for their contributions and commitment. It is also important to recognize the support from parents and the community. These combined efforts have been instrumental in ensuring a quality education for all children within the district. I am proud to represent and honor Long Beach Unified School District.

NATIONAL MALL REVITALIZATION AND DESIGNATION ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Ms. NORTON. Madam Speaker, I rise today to introduce the National Mall Revitalization and Designation Act of 2007. The National Mall is one of Washington's best known and most treasured sites, but also is the District's most neglected and undervalued. The Mall lacks everything that a majestic natural wonder deserves, from an official identity to necessary amenities. My bill (1) authorizes the National Capital Planning Commission (NCPC) to officially designate and expand the boundaries of the Mall and (2) requires the Secretary of the Interior to submit a plan to enhance visitor enjoyment and cultural experiences within 180 days of passage of the bill.

I worked closely with NCPC and other agencies in framing the bill. It would give the NCPC the responsibility and the necessary flexibility to designate the Mall area for the first time since its creation and to expand the Mall area when appropriate. The bill requires the NCPC, to accommodate future commemorative works and cultural institutions, working with key federal and local agencies, and with participation from the public and recognized national leaders in culture and development.

Frustrated at continually fighting off proposals for new monuments, museums, and memorials, on the crowded Mall space, I asked the NCPC to devise a Mall preservation plan 5 years ago. In 2003, Congress amended the Commemorative Works Act to enact the NCPC's designation of a no-build zone where no new memorials can be built. This action was helpful in quelling some but by no means all of the demand from groups and individuals for placement on what they view as the Mall. The bill spells out the needed authority to preserve the no-build zone while expanding the mall to accommodate commemorative works.

The NCPC and the Commission on Fine Arts (FAC) are working on the National Capital Framework Plan and already have shown they can identify sites near the existing Mall which are suitable for new memorials, including East Potomac Park, a part of the Mall area that is seldom viewed as integral to the more familiar space between the Capitol and the Lincoln Memorial; Banneker Overlook, the grounds around RFK Stadium, the Kennedy Center Plaza site and the new South Capitol gateways. Five new prestigious memorials are scheduled for such sites, including the Eisenhower Memorial and the U.S. Air Force Memorial.

I appreciate that NCPC and the FAC work closely with the District of Columbia in designating off-Mall sites for new monuments. The District welcomes the expanded Mall into appropriate neighborhoods, enhancing the work of the District of Columbia government and local organizations such as Cultural Tourism that offer historic tours of District neighborhoods in developing the tourism that is vital to the city's economy. Additional Mall sites for various monuments also complement the creation of entire new neighborhoods now underway near the Mall particularly the District's redevelopment of the Southwest waterfront and my own work on the Southeast Federal Center, now known as The Yards, that is to becoming a mixed use public-private development and waterfront park.

A second and important goal of the bill is to make the Mall a living, breathing, active place where things happen and visitors can be comfortable. The bill seeks to achieve this vibrancy by requiring the Secretary of the Interior to submit a plan, in consultation with the appropriate Federal agencies, and leaders in culture and development and the public, to ''enhance visitor enjoyment, amenities, cultural experiences in and the vitality of (the National Mall).'' Bordered by world class cultural institutions, the Mall itself has been reduced to a lawn with a only a few—too few ordinary benches and a couple of fast food restaurants. The Mall lacks the most basic amenities appropriate to such an area including restrooms, shelter and informal places to gather and interesting places to eat. When it rains, there are no places to stay dry on the Mall and when the humidity reaches sky high, there are few places to rest and have a cold drink. Nevertheless, in writing this bill I was compelled to recognize today's reality that funds to make the Mall the 21st century destination it deserves to become are simply not available, and will not become available in the near future until the deficit and other priorities make room. Yet, the Mall needs a total makeover for the 21st century to be worthy of L'Enfant's vision for the city he planned and the MacMillan Plan that is largely responsible for the space between the Capitol and the Lincoln Memorial that is known today as the Mall. However, we must move now to begin to do all we can to rescue this space from its present dull and uninviting condition, damaged by heavy use and often used as no more than a pass-through, despite its magnificent potential. With the necessary imagination, a plan to make Mall a welcoming place with cultural and other amenities envisioned by the bill is achievable now.

The Mall Designation and Revitalization Act is the first step in an effort to begin to give the Mall its due after decades of neglect and indifference. The bill begins at the beginning, defining for the first time what we mean by the Mall, allowing for expansion of its natural contours, and taking the first steps to breathe life into a space that is meant for people to enjoy.

A PROCLAMATION HONORING 70TH ANNIVERSARY OF THE POMERENE HOSPITAL IN MILLERSBURG, OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. SPACE. Madam Speaker:

Whereas, Pomerene Hospital celebrates the 70th anniversary with great joy; and

Whereas, Pomerene Hospital cares for the community's health through communication and trust; and

Whereas, the Hospital has grown from a staff of 10 physicians and continues to grow while serving Holmes County; be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I congratulate you on your 70th Anniversary. With great appreciation and respect, we recognize the tremendous impact this hospital has had in the community and in the lives of those people you have touched.

TRIBUTE TO LILLIE MAE WHITE JOHNSON

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Ms. KILPATRICK. Madam Speaker, I rise today not only as a Member of Congress, but as Chairwoman of the Congressional Black Caucus, to pay tribute to an outstanding Texan and human being, Mrs. Lillie Mae White Johnson, who passed away on Monday, October 15, 2007. Mrs. Johnson was a woman of

character, compassion, and courage, and she will be mourned by a large circle of family, friends and admirers.

She was born January 9, 1911 in Waco, Texas. The youngest of six children born to Thomas and Sarah Burks White, she was preceded in death by her parents, her husband Edward Johnson, and siblings Beulah White Bridgewater, Eliza White Ashford, Ella White Glasker, George White and Arthur White.

Mrs. Johnson was an honor graduate of AJ Moore High School, which is located in Waco, Texas in 1929 and attended Central State Business College. She married Edward Johnson in 1931 and was a faithful and devoted wife for almost 50 years. To this marriage, four children were born; three daughters and one son. After he husband's death in 1981, she moved to Grand Prairie, Texas and made her home with her oldest daughter, Sallye Moore.

At an early age, Mrs. Johnson joined the Chapel Hill Baptist Church in Waco, Texas and later joined the Toliver Chapel Baptist Church. They were loyal and faithful members for almost 50 years. As a member of Toliver Chapel Baptist, she was active in the Women's Mission, sang in the choir, and assisted with many children's activities.

Mrs. Johnson loved traveling. In addition to residing in Texas, she lived in Florida and California while her husband served in the United States Navy and pursued his career in civil service for the United Sates Department of Veteran Affairs.

Mrs. Johnson was raised in a spiritually influenced home with strong family values shared with her children. Her children, grandchildren, and many nieces and nephews are blessed to have been influenced by her deep Christian faith and joyous disposition. She was a compassionate person who loved to spend time with her children and their families. Her family will deeply miss her smile, her personal warmth, and thoughtful ways. For many years, Mrs. Johnson hosted large family dinners and catered to her family member's individual preferences.

She was a founding and active member in the Mamie Robinson Social and Family Charity Club until she relocated to Grand Prairie, Texas. The Waco News Tribune in 1979 and the Delta Alpha Omega Chapter of Alpha Kappa Alpha Sorority in 1980 named Mrs. Johnson "Mother of the Year."

After moving to Grand Prairie in 1981, she joined St. John Baptist Church. As a member of St. John, Mrs. Johnson was active in the Senior Women's Ministry, Ruth and Doris Ministry, Mission Choir, Generations Ministry and Adult Sunday School. In the community, she served as a member of the Willing Workers, Carter-Olive Senior Citizens Group and was a strong supporter of the Johnie Stanton, "Just Say No" Club. She especially enjoyed the fellowship of the Senior Citizen's Nutrition Group.

Mrs. Johnson was a dedicated homemaker. Mrs. Johnson's love and dedication to her husband, her children, and grandchildren is what provided them with the inspiration in which to achieve their many accomplishments.

She loved her home and was happiest when she was with her family. Mrs. Johnson was also an avid reader. Her children and grandchildren cherish the memories of the time she spent with them in the small library she established in the family home.

She is survived by her daughters, Sallye Ruth Johnson Moore and husband, Vandine of Grand Prairie, TX, U.S. Congresswoman Eddie Bernice Johnson of Dallas, TX and Washington, DC and former husband Lacy Kirk Johnson, Lee Helen Johnson Willis of Houston, TX and husband Favor DePriest Willis, Esq. (deceased), son Carl Edward Johnson and wife Beverly; grandchildren: Gregory Dean Moore and wife Juana of Plano, TX, Dawrence Kirk Johnson and wife Sondra of Austin, TX, Karlton Jamar Johnson and Kanish JaKayel of Waco, TX; great grandchildren: Gregory Dean Moore II and Preston Andrew Moore of Plano, TX, Dawrence Kirk Johnson II, David Edward Johnson and James Lacy Johnson of Austin, TX, Jay Lynne Kourtney Johnson and Karlton Jamar Johnson II of Waco, TX; Special Niece: Luberta White Mayse of Waco, TX, Special Nephew: Robert Lee (RL) Ashford of Los Angeles, CA, sister in law: Mrs. Fannie Mae Johnson Wells of Brenham and Giddings, TX and many other special nieces and nephews and a host of family members and friends.

On behalf of the Congressional Black Caucus and our colleagues in Congress, may God carry her soul gently in her passage to peace. We know God joins with us today as we pray, "Sleep well my good and faithful servant." May we all know the service to others as epitomized by Mrs. Lillie Mae White Johnson.

A PROCLAMATION HONORING THE 175TH ANNIVERSARY OF THE ZION REFORM CHURCH OF WINESBURG, OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. SPACE. Madam Speaker:

Whereas, the dedicated people of the Zion Reform Church of Winesburg, Ohio celebrate the 175th anniversary with great joy; and

Whereas, this milestone is the result of what a tempered people began on September 9th, 1832; and

Whereas, occasions such as these illustrate to us that love mixed with grace and trust will stand the test of time; and

Whereas, it is the fond wish of this body that you will continue to present this work as a beacon for hope to the destitute and maintain your stand as a symbol to this generation that our strength lays in our gracious commitment in unity to each other in the bonds of brotherhood; and

Whereas, you have demonstrated excellence in your calling as a church, anything less would have left you bereaved of such a jubilant occasion, and we are proud to have you as sons and daughters in the great state of Ohio and of our nation; be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I commend the congregation for your unwavered labor and commitment, recognizing that all great achievements come at a cost. With great appreciation and respect, we wish you continued abundant grace as you continue to labor for your Lord, Jesus Christ.

TRIBUTE TO LANCELOT WRIGHT

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to a friend and an entrepreneur who has overcome adversity and achieved great success. Lancelot Devon Wright, known as Lance to his friends, is being honored by his community and his family on October 23, 2007 for his 20 years of success leading businesses in Columbia, South Carolina.

Lance Wright was born to a single mom in Boston, Massachusetts in 1966. During his younger years, Lance was raised by both his mom, Joan Joanne Wright, and his grandparents, Mr. and Mrs. Joe Wright of Holly Hill, South Carolina. Lance and his mother moved to Columbia when he was 10 years old, and it is the town he still calls home. He spent his formative years at Fort Jackson elementary schools and W.J. Keenan High School. One of his passions in high school was tennis, and he was quite accomplished at the game. His competitiveness on the court was a precursor to his competitiveness in business.

Although Lance's family didn't have much financially, he did grow up with a tremendous work ethic. At the age of 14, he became a dishwasher for a local renowned caterer, Bob Funderburk. Mr. Funderburk served as a mentor to Lance, and set him on a promising path.

While a student at the University of South Carolina, Lance worked his way up at the USC Faculty House restaurant from kitchen manager, to food and beverage manager, and eventually he became a chef. These jobs enabled Lance to pay for college, help his family, and gave him the skills he would need to launch a career.

At 21, Lance left college to start his own restaurant, the Las Vegas Deli in downtown Columbia. He and his business partner, Lenwood Greene, employed 10 people and built a successful restaurant. After 5 years, The Deli, as it was known, was forced to close when the building owner sold the property. Lance and Lenwood then opened their second restaurant, The Grille. The business was such a success it spun off to create a nightclub called Sunset Place and a billiards hall known as Sunset Pub. Finally The Grille also launched a very profitable catering business.

It was during this time that Lance reignited his love for tennis. He joined a men's tennis team at Greenview Park in Columbia. As captain of their team, he recognized that the tennis facilities at Greenview were sorely lacking. He led an effort to get the City of Columbia to upgrade the facilities. In 1997, the City supported Lance and his grassroots effort, and made a commitment to build a new tennis facility. Today Greenview Park has nine lighted tennis courts, hosts numerous teams for league play and tournaments, and provides programs for youth.

In 1995, Lance married Adrienne Felder of Columbia. It became clear a few years into his marriage that his businesses were taking too much time away from his family. So in 1998, he made a break from The Grille and began Home Choice Mortgage in a spare bedroom at his home. The business grew to seven employees, and provided alternative financing for residential loans to many South Carolinians.

Yet Lance knew there were community needs and that he had the entrepreneurial skills to help address those needs. As a child, he often rode his bike to a pharmacy to pick up his grandmother's medical supplies and prescriptions. That experience helped him visualize the need for a mail order company to supply these products to rural communities and senior citizens. In January 2000 he launched National Direct Diabetic Supply. Lance and his two associates, Tom Crocker and Andre Lewis, began the company to serve diabetics by mail. The company grew so quickly they had to move every year for the first 3 years to accommodate its growth.

Currently the company exists as National Direct Home Pharmacy. It has added additional services which include a full service pharmacy. Lance, as CEO and President, oversees approximately 125 employees and serves patients all over the country. He still maintains the company headquarters in Columbia, South Carolina.

Lance continues to support the community and contributes generously to the arts, the First Tee golf program for youth, and the American Diabetes Association among other worthy causes. He and his wife, Adrienne, have two sons, Lancelot II and Sean Christopher.

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Madam Speaker, I invite you and my colleagues to join me in congratulating Lancelot Wright, Sr. for 20 years of entrepreneurial success and dedication to his community. His perseverance and passion have built a better life for his family, his community and the customers he serves. Lance is a true success story, whose life could have taken a very different direction. His family, faith and his fortitude helped him achieve remarkable things. I wish him continued success and Godspeed!

HONORING THE LIFE OF KATHLEEN McCREE LEWIS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. CONYERS. Madam Speaker, I rise tonight to honor the life of Kathleen McCree Lewis who recently passed away. The daughter of the late, Federal Judge, Wade McCree. ''Kathy Lewis'', as she was known, to all of us, was the lifelong partner and wife of David Baker Lewis and loving mother to Aaron and Sarah, their two children. Kathy was a dear friend and a loyal supporter of the Detroit, Michigan community. I valued her friendship and loyalty to her family and friends. She always gave her greatest effort to all that she accomplished. Kathy will always remain in our hearts and minds as a woman who dedicated her life to her family and to her community.

Kathy was a distinguished partner in the law firm of Dykema Gossett, Detroit, Michigan, where she was a specialist in appellate litigation. As an outstanding member of the State of Michigan Bar she was known for her continued involvement and support for all areas of substantive civil law, which included specialties in anti-trust, bankruptcy, environmental, banking, land use, product liability, intellectual property, and general commercial law.

Kathy was well recognized on the State and Federal level and in the U.S. Court of Appeals in more than five jurisdictions, as well as in the United States Supreme Court. Kathy achieved recognition by ''Law and Politics'' as one of the best lawyers in America and Michigan Lawyers Weekly named Kathy as one of Michigan's top ten lawyers of 2006.

Kathy was the recipient of the 1992 Wayne County neighborhood legal services award and the 1993 Dykema Gossett Pro bono award. She was named one of Detroit's most influential women. Kathy and her husband David jointly received the Learned Hand Award, from the Detroit Chapter of the American Jewish Committee Institute of Human Rights, for their civic, educational and philanthropic endeavors.

The greater Michigan community will sorely miss her generous efforts that she graciously gave on behalf of the committee on Children's Rights Litigation, Children's Hospital of Michigan, Children's Museum Friends, Grosse Pointe Academy, Detroit Chapter's of International Summer Villages, Inc., Jack and Jill of America, Inc., as well as other educational and philanthropic activities which were so much a part of her life. The world needs more individuals like Kathy, who give so much and ask for so little in return. Tonight, I and the people of the State of Michigan, will mourn the loss of Kathleen McCree Lewis.

A PROCLAMATION HONORING THE 100TH ANNIVERSARY OF TUSCORA PARK IN NEW PHILADELPHIA, OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. SPACE. Madam Speaker:

Whereas, Tuscora Park at New Philadelphia is celebrating 100 years of operation; and

Whereas, the park is one of 38 in the U.S. to celebrate this historical milestone; and

Whereas, Tuscora Park has brought wonderful memories to countless patrons and will continue to create memories for years to come; and

Whereas, the old amusement park has evolved into a municipal park and is still enjoyed by the community; now, therefore, be it

Resolved, That along with his friends, family, and the residents of the 18th Congressional District, I applaud Tuscora Park and the community that has supported it for 100 years.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 18, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 23

10 a.m.
Environment and Public Works
To hold hearings to examine the human impacts of global warming.
SD–406

Health, Education, Labor, and Pensions
To hold hearings to examine the efficacy of the Energy Employees Occupational Illness Compensation Program, focusing on our Cold War heroes.
SD–430

Homeland Security and Governmental Affairs
To hold hearings to examine six years after the anthrax attacks, focusing on our preparedness to respond to bioterrorism.
SD–342

Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee
To hold an oversight hearing to examine the Surface Transportation Board and regulation related to railroads.
SR–253

2:30 p.m.
Intelligence
To hold hearings to examine the Federal Bureau of Investigation (FBI) strategic plan.
SDG–50

OCTOBER 24

9:30 a.m.
Veterans' Affairs
To hold hearings to examine to consider pending legislation.
SD–562

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the future of radio.
SR–253

Homeland Security and Governmental Affairs
To hold hearings to examine ways to build an effective terrorist screening system.
SD–342

Judiciary
To hold hearings to examine pending nominations.
SD–226

Environment and Public Works
Private Sector and Consumer Solutions to Global Warming and Wildlife Protection Subcommittee
To hold hearings to examine proposed legislation entitled ''America's Climate Security Act of 2007''.
SD–406

10:30 a.m.
Aging
To hold hearings to examine hidden 401K fees, focusing on ways that disclosure can increase retirement security.
SD–628

1:30 p.m.
Judiciary
To hold hearings to examine the role of federally-funded university research in the patent system.
SD–226

2 p.m.
Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
To hold hearings to examine international accounting standards, focusing on opportunities, challenges, and global coverage issues.
SD–538

5 p.m.
Intelligence
To hold a closed conference to examine the fiscal year 2008 Intelligence Authorization bill.
S–407, Capitol

OCTOBER 25

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the nominations of Gregory F. Jacob, of New Jersey, to be Solicitor, and Howard Radzely, of Maryland, to be Deputy Secretary, both of the Department of Labor.
SD–430

Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine sweatshop conditions in the toy industry in China.
SR–253

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold hearings to examine single audits, focusing on a recent study on the potential impacts that implementing certain recommendations could have to help ensure that federal funds are safeguarded.
SD–342

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

OCTOBER 31

9:30 a.m.
Veterans' Affairs
To hold an oversight hearing to examine vocational rehabilitation.
SD–562

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine universal telephone service.
SR–253

NOVEMBER 7

10 a.m.
Rules and Administration
To hold hearings to examine the Government Accountability Office report focusing on funding challenges and facilities maintenance at the Smithsonian Institution.
SR–301

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S12947–S13027

Measures Introduced: Eighteen bills and two resolutions were introduced, as follows: S. 2173–2190, and S. Res. 349–350. **Page S12988**

Measures Passed:

National Idiopathic Pulmonary Fibrosis Awareness Week: Senate agreed to H. Con. Res. 182, recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week. **Page S13023**

Honoring 2007 Nobel Peace Prize Winners: Senate agreed to S. Res. 349, honoring Vice President Albert Gore, Jr., and the Intergovernmental Panel on Climate Change for receiving the 2007 Nobel Peace Prize, in recognition of their efforts to promote understanding of the threats posed by global warming. **Pages S13023–25**

Honoring 2007 Nobel Prize Winners in Physiology and Medicine: Senate agreed to S. Res. 350, honoring the achievements of Mario R. Capecchi, Sir Martin J. Evans, and Oliver Smithies, winners of the 2007 Nobel Prize in Physiology or Medicine. **Page S13025**

Measures Considered:

Labor/HHS/Education Appropriations Act: Senate began consideration of H.R. 3043, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, taking action on the following amendments proposed thereto: **Pages S12955–80**

Adopted:

Feinstein/Kyl Amendment No. 3336 (to Amendment No. 3325), to provide funding for a feasibility study on the child abuse and neglect registry. **Pages S12966–67**

Harkin (for Smith) Amendment No. 3339 (to Amendment No. 3325), to provide a technical correction to suicide prevention grants authorized under the Garrett Lee Smith Memorial Act. **Pages S12970–72**

McCaskill/DeMint Amendment No. 3332 (to Amendment No. 3325), to require the Departments to establish and maintain on their website home pages a direct link to the websites of their Inspectors General. **Page S12978**

Pending:

Harkin/Specter Amendment No. 3325, in the nature of a substitute. **Pages S12955–62**

Vitter Amendment No. 3328 (to Amendment No. 3325), to provide a limitation on funds with respect to preventing the importation by individuals of prescription drugs from Canada. **Pages S12962–64**

Dorgan Amendment No. 3335 (to Amendment No. 3325), to increase funding for the State Heart Disease and Stroke Prevention Program of the Centers of Disease Control and Prevention. **Pages S12965–66**

Thune Amendment No. 3333 (to Amendment No. 3325), to provide additional funding for the telehealth activities of the Health Resources and Services Administration. **Pages S12972–73**

Dorgan Amendment No. 3345 (to Amendment No. 3325), to require that the Secretary of Labor report to Congress regarding jobs lost and created as a result of the North American Free Trade Agreement. **Pages S12973–76, S12978–80**

Menendez Amendment No. 3347 (to Amendment No. 3325), to provide funding for the activities under the Patient Navigator Outreach and Chronic Disease Prevention Act of 2005. **Pages S12976–78**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Thursday, October 18, 2007. **Page S13027**

Messages from the House: **Pages S12984–85**

Measures Placed on the Calendar: **Page S12985**

Measures Read the First Time: **Page S12985**

Executive Communications: **Pages S12985–88**

Additional Cosponsors: **Pages S12988–90**

Statements on Introduced Bills/Resolutions: **Pages S12990–S13005**

Additional Statements: Pages S12983–84

Amendments Submitted: Pages S13005–22

Authorities for Committees to Meet: Page S13023

Privileges of the Floor: Page S13023

Adjournment: Senate convened at 10 a.m. and adjourned at 7:21 p.m., until 9:30 a.m. on Thursday, October 18, 2007. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S13027.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the following:

An original bill to authorize State and local governments to divest assets in companies conduct business operations in Sudan, to prohibit United States Government contracts with such companies;

An original bill entitled ''Terrorism Risk Insurance Program Reauthorization Act of 2007''; and

An original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund.

CONSUMER WIRELESS ISSUES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine consumer wireless telephone issues, including S. 2033, to provide for greater disclosure to, and empowerment of, consumers who have entered into a contract for cellular telephone service, after receiving testimony from Minnesota Attorney General Lori Swanson, Saint Paul; Patrick Pearlman, West Virginia Public Service Commission, Charleston; Chris Murray, Consumers Union, on behalf of the Consumer Federation of America and Free Press, and Lowell C. McAdam, Verizon Wireless, both of Washington, D.C.; Michael Higgins, Jr., Central Texas Telephone Cooperative, Inc., Goldthwaite, Texas, on behalf of sundry organizations; and Jerry Ellig, George Mason University Mercatus Center, Arlington, Virginia.

DIGITAL TELEVISION TRANSITION

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the digital television transition, focusing on government and industry perspectives, after receiving testimony from Jonathan S. Adelstein, Commissioner, Federal Communications Commission; John M.R. Kneuer, Assistant Secretary of Commerce for Communications and Information, National Telecommunications and Information Administration; and John Gieselman, DIRECTV, Inc., John Lawson, Association of Public Television Stations, Kyle McSlarrow, National Cable and Telecommunications Association, Marc A. Pearl, Consumer Electronics Retailers Coalition, and David K. Rehr, National Association of Broadcasters, all of Washington, D.C.

FEDERAL SUPERFUND PROGRAM

Committee on Environment and Public Works: Subcommittee on Superfund and Environmental Health concluded an oversight to examine the federal Superfund Program and its activities to protect public health, after receiving testimony from Susan Parker Bodine, Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; Lenny Siegel, Center for Public Environmental Oversight, Mountain View, California; Michael W. Steinberg, Morgan, Lewis and Bockius, LLP, Washington, D.C., on behalf of the Superfund Settlements Project; Bradley M. Campbell, Bradley M. Campbell, LLC and Minotaur Consulting, LLC, Trenton, New Jersey; J. Winston Porter, Waste Policy Center (WPC), Leesburg, Virginia; and Rena Steinzor, University of Maryland School of Law, Baltimore.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Daniel V. Speckhard, of Wisconsin, to be Ambassador to Greece, who was introduced by Senator Feingold; Thomas F. Stephenson, of California, to be Ambassador to the Portuguese Republic; and Vincent Obsitnik, of Virginia, to be Ambassador to the Slovak Republic, after the nominees testified and answered questions in their own behalf.

DHS CONTRACTORS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the Department of Homeland Security, focusing on contractors and the work of the government, the types of professional and management support services the Department of Homeland Security (DHS) has contracted for and the circumstances that drove its contracting decisions, and DHS's consideration and management of risk when contracting for such services, including S. 680, to ensure proper oversight and accountability in Federal contracting, after receiving testimony from John P. Hutton, Director, Acquisition and Sourcing Management, Government Accountability Office; Elaine C. Duke, Chief Procurement Officer, Department of Homeland Security; and Steven L. Schooner, George Washington University Law School, Washington, D.C.

NOMINATION

Committee on the Judiciary: Committee began consideration of the nomination of Michael B. Mukasey, of New York, to be Attorney General, who was introduced by Senators Schumer and Lieberman, after the nominee testified and answered questions in his own behalf, but did not complete action thereon.

Hearing will next convene on Thursday, October 18, 2007 at 10 a.m.

VA/DOD COLLABORATION

Committee on Veterans' Affairs: Committee concluded an oversight hearing to examine Department of Veterans Affairs and Department of Defense collaboration, focusing on the report of the President's Commission on Care for America's Returning Wounded Warriors, the report of the Veterans Disability Benefit Commission, and other related reports, after receiving testimony from former Senator Bob Dole, and Donna E. Shalala, both Co-Chair, President's Commission on Care for America's Returning Wounded Warriors; Lieutenant General James Terry Scott, USA (Ret.), Veterans Disability Benefits Commission; Rear Admiral Patrick W. Dunne, USN (Ret.), Assistant Secretary of Veterans Affairs for Policy and Planning; Colonel Peter Duffy, USARNG (Ret.), National Guard Association of the United States, Togo D. West, Jr., Independent Review Group, and Gerald T. Manar, Veterans of Foreign Wars of the United States, on behalf of the Independent Budget, all of Washington, D.C; Meredith Beck, Wounded Warrior Project, Jacksonville, Florida; Colonel Steve Strobridge, USAF (Ret.), Military Officers Association of America, Alexandria, Virginia; and Ariana Del Negro, Waialua, Hawaii.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 21 public bills, H.R. 3863–3883; and 6 resolutions, H.J. Res. 59; H. Con. Res. 238; and H. Res. 752–755 were introduced. **Pages H11727–28**

Additional Cosponsors: **Pages H11728–29**

Reports Filed: There were no reports filed today.

Chaplain: The prayer was offered by the guest Chaplain, Rev. Ginger Gaines-Cirelli, Capitol Hill United Methodist Church, Washington, DC. **Page H11641**

Discharge Petition: Representative Pence moved to discharge the Committee on Rules from the consideration of H. Res. 694, providing for the consideration of the bill (H.R. 2905) to prevent the Federal Communications Commission from repromulgating the fairness doctrine (Discharge Petition No. 3).

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, October 16th:

Recognizing the importance of America's Waterway Watch program: H. Res. 549, to recognize the importance of America's Waterway Watch program, by a ⅔ yea-and-nay vote of 420 yeas with none voting "nay", Roll No. 976 and **Pages H11655–56**

Commending NASA Langley Research Center in Virginia on the celebration of its 90th anniversary on October 26 and 27, 2007: H. Con. Res. 222, to commend NASA Langley Research Center in Virginia on the celebration of its 90th anniversary on October 26 and 27, 2007, by a ⅔ yea-and-nay vote of 421 yeas with none voting "nay", Roll No. 978. **Pages H11670–71**

Responsible Electronic Surveillance That is Overseen, Reviewed, and Effective Act of 2007: The House began consideration of H.R. 3773, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence. Further proceedings were postponed. **Pages H11656–68**

Pursuant to the rule, the amendment in the nature of a substitute printed in part A of H. Rept. 110–385, modified by the amendment printed in part B of such report, shall be considered as adopted in lieu of the amendments recommended by the Committee on the Judiciary and the Permanent Select Committee on Intelligence now printed in the bill. **Pages H11659–68**

H. Res. 746, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 223 yeas to 196 nays, Roll No. 975, after agreeing to order the previous question by a yea-and-nay vote of 221 yeas to 199 nays, Roll No. 974. **Pages H11645–55**

Recess: The House recessed at 1:02 p.m. and reconvened at 2:53 p.m. **Page H11667**

Federal Railroad Safety Improvement Act of 2007: The House passed H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases and to authorize the Federal Railroad Safety Administration, by a yea-and-nay vote of 377 yeas to 38 nays, Roll No. 980. **Pages H11671–96**

Rejected the Sali motion to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with amendments, by a yea-and-nay vote of 198 yeas to 222 nays, Roll No. 979. **Pages H11694–95**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as an original bill for the purpose of amendment. **Pages H11677–87**

Accepted:

Oberstar amendment (No. 1 printed in H. Rept. 110–371) that requires the Federal Railroad Safety Administration to issue regulations requiring owners of track carried on one or more railroad bridges to adopt safety practices to prevent the deterioration of railroad bridges and reduce the risk of human casualties, environmental damage, and disruption to the Nation's transportation system that would result from a catastrophic bridge failure. The amendment also strikes Sections 301, 610, and 616 of the reported bill because these sections were enacted in Public Law 110–53, the "Implementing Recommendations of the 9/11 Commission Act of 2007." The amendment also requires the Secretary to consider additional criteria regarding communities when reviewing applications for a waiver or exemption from sounding locomotive horns at highway-rail grade crossings; **Pages H11687–89**

Napolitano amendment (No. 2 printed in H. Rept. 110–371) that prohibits mechanical and brake inspections performed in Mexico of rail cars entering the United States from satisfying U.S. rail safety laws unless inspection standards, enforcement standards, and worker training are certified to meet those of the United States and prohibits hazardous material inspections performed in Mexico from satisfying applicable U.S. rail safety laws and regulations; **Pages H11689–90**

Pallone amendment (No. 3 printed in H. Rept. 110–371) that allows state and local authorities to regulate solid waste management facilities and states that the Surface Transportation Board does not have exclusive authority to preempt state and local regulation of solid waste management facilities, as defined in the amendment; and **Pages H11690–92**

Rohrabacher amendment (No. 4 printed in H. Rept. 110–371) that authorizes funds to the Secretary to design and develop a pilot electric cargo conveyor system for the transportation of containers from ports to depots outside of urban areas. **Pages H11692–94**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H11696**

H. Res. 724, the rule providing for consideration of the bill, was agreed to by voice vote after agreeing to order the previous question by a yea-and-nay vote of 218 yeas to 194 nays, Roll No. 977. **Pages H11667–70**

Senate Message: Message received from the Senate today appears on page H11656.

Quorum Calls—Votes: Seven yea-and-nay votes developed during the proceedings of today and appear on pages H11654, H11654–55, H11655, H11670, H11670–71, H11695, and H11695–96. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:48 p.m.

Committee Meetings

STATUS OF DTV TRANSITION

Committee on Energy and Commerce: Subcommittee on Telecommunications and the Internet held a hearing entitled "Status of the DTV Transition—Part 2." Testimony was heard from Kevin J. Martin, Chairman, FCC; John M.R. Kneuer, Assistant Secretary, Communications and Information, National Telecommunications and Information Administration, Department of Commerce; Mark L. Goldstein, Director, Physical Infrastructure Issues, GAO; and public witnesses.

U.S.-RUSSIA ECONOMIC RELATIONSHIP

Committee on Financial Services: Subcommittee on Domestic and International Monetary Policy, Trade and Technology held a hearing on U.S.-Russia Economic Relationship: Implications of the Yukos Affair. Testimony was heard from public witnesses.

LATE HOUSING ASSISTANCE PAYMENTS

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing on The Impacts of Late Housing Payments on Tenants and Owners in the Project-Based Rental Assistance Program. Testimony was heard from John W. Cox, Chief Financial Officer, Department of Housing and Urban Development; David Wood, Director, Financial Markets and Community Investment, GAO; and public witnesses.

BURMA CRISIS

Committee on Foreign Affairs: Subcommittee on Asia, Pacific and the Global Environment held a hearing on the Crisis in Burma: Can the U.S. Bring about a Peaceful Resolution? Testimony was heard from the following officials of the Department of State: Scot Marciel, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs; and Lisa Chiles, Deputy Assistant Administrator, Bureau for Asia and the Near East, U.S. Agency for International Development; and public witnesses.

ELECTRIC GRID CYBER THREATS

Committee on Homeland Security, Subcommittee on Emerging Threats, Cybersecurity and Science, and Technology held a hearing entitled ''The Cyber Threat To Control Systems: Stronger Regulations Are Necessary To Secure the Electric Grid.'' Testimony was heard from Greg Wilshusen, Director, Information Security Issues, GAO; and Greg Garcia, Assistant Secretary Office of Cyber Security and Telecommunication, Department of Homeland Security.

CAPITOL VISITOR CENTER

Committee on House Administration: Held an oversight hearing on The Capitol Visitor Center: the Visitor Experience. Testimony was heard from Terrie S. Rouse, CEO for Visitor Services, Capital Visitor Center; Thomas L. Stevens, Director, Visitor Services, U.S. Capitol; and Chief Phillip D. Morse, Sr., Chief of Police, U.S. Capitol Police.

SEX CRIMES AND THE INTERNET

Committee on the Judiciary: Held a hearing on Sex Crimes and the Internet. Testimony was heard from Representatives Pomeroy, Lampson, Musgrave, Carney, Wasserman Schultz, and Rodgers; the following officials of the Department of Justice: Michael A. Mason, Executive Assistant Director, Cyber Response Branch, FBI; Laurence E. Rothenberg, Deputy Assistant Attorney General, Office of Legal Policy; and public witnesses.

GLOBAL WARMING'S POLAR BEAR PERMAFROST IMPACTS

Committee on Science and Technology: Subcommittee on Investigations and Oversight held a hearing on Disappearing Polar Bears and Permafrost: Is a Global Warming Tipping Point Embedded in the Ice? Testimony was heard from Sue Haseltine, Associate Director, Biology, U.S. Geological Survey, Department of the Interior; and public witnesses.

WOMEN IN ACADEMIC SCIENCE/ ENGINEERING

Committee on Science and Technology: Subcommittee on Research and Science Education held a hearing on Women in Academic Science and Engineering. Testimony was heard from Donna E. Shalala, former Secretary of Health and Human Services; and public witnesses.

SMALL BUSINESS ENERGY PRIORITIES

Committee on Small Business: Held a hearing entitled ''Small Business Energy Priorities.'' Testimony was heard from public witnesses.

AVIATION NEXTGEN PROGRAM REDUCING FLIGHT DELAYS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on NextGen: The FAA's Automatic Dependent Surveillance-Broadcast (AD–B) Contract. Testimony was heard from the following officials of the Department of Transportation: Vincent Capezzuto, Manager, Surveillance and Broadcast Services Program Office, FAA; and Calvin L. Scovel III, Inspector General; and public witnesses.

MARINER EDUCATION AND WORK FORCE

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Mariner Education and Work Force. Testimony was heard from RADM Joel Whitehead, U.S. Coast Guard, Department of Homeland Security; Sean Connaughton, Administrator, MARAD, Department of Transportation; and public witnesses.

CURRENT CONFLICTS AND LONG-TERM COSTS

Committee on Veterans' Affairs: Held a hearing on the Long-Term Costs of the Current Conflicts. Testimony was hear from Matthew S. Goldberg, Deputy Assistant Director, National Security, CBO; the following officials of the Department of Veterans Affairs: Michael J. Kussman, M.D., Under Secretary for Health; and Daniel L. Cooper, VADM (Ret.), Under Secretary, Benefits; and Amy Belasco, Specialist in U.S. Defense Policy and Budget, CRS, Library of Congress.

SERVICE MEMBER TAX RELIEF

Committee on Ways and Means: Subcommittee on Select Revenue Measures and the Subcommittee on Income Security and Family Support held a joint hearing on the Heroes Earnings Assistance and Relief Tax Act of 2007. Testimony was heard from Representatives Davis of California, Lampson and Jones of North Carolina; David A. Rust, Acting Deputy

Commissioner, Disability and Income Security Programs, SSA; Michelle D. LaRock, Deputy Director, Program Development, Division of veterans' Affairs, State of New York; and public witnesses.

BRIEFING—HOT SPOTS

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on Hot Spots. The Committee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 18, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Commerce, Science, and Transportation: to hold an oversight hearing to examine the Department of Transportation, 10 a.m., SR–253.

Subcommittee on Science, Technology, and Innovation, to hold hearings to examine science parks, focusing on bolstering United States competitiveness, 2:30 p.m., SR–253.

Committee on Environment and Public Works: to hold hearings to examine lead and children's health, 10:30 a.m., SD–406.

Committee on Finance: to hold hearings to examine international trade, focusing on import health and safety for today and the future, 10 a.m., SD–215.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine politics in government, focusing on the scope and enforcement of the Hatch Act, 10 a.m., SD–342.

Full Committee, to hold hearings to examine the nomination of Ellen C. Williams, of Kentucky, to be a Governor of the United States Postal Service, 3 p.m., SD–342.

Committee on the Judiciary: to continue hearings to examine the nomination of Michael B. Mukasey, of New York, to be Attorney General, 10 a.m., SH–216.

Select Committee on Intelligence: closed business meeting to mark up pending intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, hearing to review structural changes that are taking place in the agricultural economy and their impacts, 10 a.m., 1300 Longworth.

Committee on Armed Services, Subcommittee on Oversight and Investigations, hearing on measuring and increasing the effectiveness of Provincial Reconstruction Teams, 10 a.m., 2212 Rayburn.

Committee on the Budget, hearing on the Tax Code and Health Insurance Coverage, 10 a.m., 210 Cannon.

Committee on Education and Labor, to mark up the following bills: H.R., 3796, Early Warning and Health Care for Workers Affected by Globalization Act; and H.R. 3685, Employment Non-Discrimination Act of 2007, 10 a.m., 2175 Rayburn.

Committee on Foreign Affairs, hearing on International Trafficking in Persons: Taking Action to Eliminate Modern Day Slavery, 10 a.m., 2172 Rayburn.

Subcommittee on International Organizations, Human Rights, and Oversight and the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, joint hearing on Rendition To Torture: The Case of Maher Arar, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Task Force on Antitrust and Competition Policy, hearing on the Impact of our Antitrust Laws on Community Pharmacies and Their Patients, 9:30 a.m., 2141 Rayburn.

Subcommittee on Courts, the Internet, and Intellectual Property, hearing on International Piracy: The Challenges of Protecting Intellectual Property in the 21st Century, 10 a.m., 2237 Rayburn.

Committee on Natural Resources, to mark up H.R. 2262, Hardrock Mining and Reclamation Act of 2007, 11 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on H.R. 1975, Northern Rockies Ecosystem Protection Act, 2 p.m., 1334 Longworth.

Committee on Oversight and Government Reform, hearing on Black Carbon and the Arctic, 10 a.m., 2154 Rayburn.

Subcommittee on Government Management, Organization and Procurement, hearing on Technology for Secure Identity Documents, 2 p.m., 2247 Rayburn.

Committee on Small Business, to mark up the following: The Small Business Programs Act of 2007; and the Small Business Contracting Program Improvements Act, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, hearing on the 35th Anniversary of the Clean Water Act: Successes and Future Challenges, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on Updating the Montgomery G.I. Bill, 2 p.m., 334 Cannon.

Subcommittee on Health, hearing on Health Care Professionals—Recruitment and Retention, 10 a.m., 334 Cannon.

Select Committee on Energy Independence and Global Warming, hearing entitled "Energy and Global Warming Solutions for Vulnerable Communities," 11 a.m., 1100 Longworth.

Select Committee To Investigate the Voting Irregularities of August 2, 2007, briefing on Voting in the House of Representatives—The Rostrum and the Electronic Voting System: A Walkthrough by the Clerk of the House, 8 a.m., House Floor.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine a parliamentary perspective of challenges facing today's Europe, 9:30 a.m., B–318 RHOB.

Next Meeting of the SENATE

9:30 a.m., Thursday, October 18

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 3043, Labor/HHS/Education Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, October 18

House Chamber

Program for Thursday: To be announced.

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