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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC, *October 23, 2007.*

I hereby appoint the Honorable LINCOLN DAVIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

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

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

CLEAN WATER ACT

Mr. BLUMENAUER. Mr. Speaker, last week we observed the 35th anniversary of the Clean Water Act, and it was an important observation here on the floor as we dealt with the impact that that new law had, the heightened awareness and the progress that resulted. Back in 1972 when the law was enacted, only one-third of our waterways met water quality standards. Two-thirds did not. In the course of that 35 years, we have reversed that: Now there are only one-third that don't meet the goal. But the fact is that there still is one-third that are not in compliance with our basic water quality standards.

When we look under the ground, the situation is even worse. There are over 72,000 miles of sewer pipe and water main that are over 80 years old. It is one of the reason large sink holes open up and swallow trucks in American streets, why the American Society of Civil Engineers has given our water infrastructure a D-minus grade.

All of this is compounded by the stress from global warming, as we see not just the ice caps shrink but the snow pack being reduced, we watch evaporation being accelerated as a result of the elevated temperatures, and we see that thirsty crops need more water because of the global warming. Agriculture of course is 90 percent of our water commitment.

Now, there is going to be more friction, more problems over time with Water and Agriculture. We have some of our programs that have been enacted that are just plain silly. We continue to grow heavily subsidized cotton with subsidized water in the desert, something that long since should have been phased out. The New York Times Magazine this weekend featured the Southwest United States water problems, especially centered on the Colorado River and the demands that are rising there. But this tremendous problem is not limited to the southwest. On the front page of this morning's paper we see the Georgia delegation in Congress is suggesting that they deal with their severe drought and water supply problems by ignoring the environmental regulations of the Endangered Species Act, upsetting not just environmentalists but their friends downstream. It is a problem we are familiar with in the Pacific Northwest, where we have a severely water stressed Klamath River Basin, where the Federal Government as in most all instances has been part of the problem as we promise more water to more diverse users than nature can deliver.

It is time for us to revisit, not just the celebration of the 35th anniversary of the Clean Water Act, but revisit our commitment that is embodied in that Act and where we are going over the next 35 years.

It is important that we deal with very real problems of environmental quality requirements to save fish and wildlife and protect eco systems and, indeed, human life. We are watching the problems of diminishing supplies as we mine fossilized water in ancient underground aquifers. Global warming of course is going to make all of these problems more complex, more severe, and harder to solve.

Every Member of Congress needs to do more than just celebrate the 35th anniversary of the Clean Water Act. I would hope that, in the months ahead, every one of us does an assessment at home to find out how bad the situation is with our local water supply, storm water, sewage, and drainage. Are we one of the over 1,000 communities with combined sewer overflow problems? How is it going to be paid for? What is the planning that needs to take place? Every one of us should be insisting that we shift to basinwide framework for analyzing and solving water problems, not just looking at isolated instances.

It is time for us to be serious about a funding solution. In 1978, the Federal Government provided 78 percent of the funding for our water quality problems. Today, that is just 3 percent. Even that 3 percent is as uncertain, as it is inadequate. It is time to establish a water trust fund, like the Highway Trust Fund, to help be a partner with State and local communities in meeting water quality needs. Finally, we need to begin addressing the ultimate question of who is going to get the water

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and why, beyond just some historic accident and water rights policy no longer adequate for today's challenges.

I strongly urge my friends in Congress to reflect on the 35th anniversary of the Clean Water Act by getting serious today with our constituents at home about what we are going to do for the next 35 years of clean water.

RECESS

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

Accordingly (at 9 o'clock and 6 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

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

PRAYER

The Reverend Bobby L. Johnson, First Assembly of God, Van Buren, Arkansas, offered the following prayer:

Almighty God, today we come humbly and thankfully to You. Humbly, for allowing each of us to be in our positions and thankfully, for Your guidance at this time.

None of us knows what this day holds, but we trust You to see us through every decision we make. Help us to realize that it is by Your hand that we are free and well. Grant us wisdom to know the right thing to do in every decision. Give us the strength to follow through with what is right regardless of the consequences.

Within the hands of these public servants rests the destiny of this great Nation. Help this great body to bring peace to our Nation and the world. Give them the wisdom of Solomon, the strength of Samson, the faith of Abraham, and the ability of David to accomplish the challenges we face. In Jesus' name, Amen.

THE JOURNAL

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

Mr. BOOZMAN 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 THE REVEREND BOBBY L. JOHNSON

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

Mr. BOOZMAN. Madam Speaker, it is my pleasure to introduce a good friend, a man who ministers to the men and women of western Arkansas, a man of God, our guest chaplain, the Reverend Bobby L. Johnson of Van Buren, Arkansas. He has been pastor of First Assembly of God in Van Buren since June of 1980. Since then, the church has grown from over 200 at Sunday School to over 2,000, placing it among the fastest growing Sunday Schools in Arkansas and the Nation.

His mission is bringing the Word to the people through his extensive outreach, from mobile ministry to television and over the Internet. A graduate of both the University of Central Arkansas and Evangel College in Missouri, Pastor Johnson has taught public high school and pastored three other churches in Arkansas.

It is my honor to welcome Pastor Johnson to the House of Representatives and thank him for his service to his calling and to the people of Arkansas.

SCHIP

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

Mr. KAGEN. Madam Speaker, our Nation's values are reflected in how we spend taxpayers' hard-earned money. Yesterday, rather than encouraging us to invest in the good health of our children here at home, the President asked for permission to spend $200 billion in Iraq. Well, it is okay to ask and it is okay to respond by saying, ''No, thank you.'' The health of our Nation's children is more valuable than making more of a mess in Iraq.

My friends, enough is enough. It is time to spend our tax dollars right here at home. Last week, 44 Republicans joined the Democratic majority in attempting to override the President's veto of the State Children's Health Insurance Program, known as SCHIP. This issue is not going away. We will prevail. It is a matter of how long it will take.

Here are some facts to keep in mind: SCHIP saves tax dollars by sending children in need to the doctor's office, not to the costly emergency room. And over 90 percent of those in SCHIP earn less than $41,000 a year. There is a better way of doing things in America. By working together, we will find it and guarantee access to health care for all those in need.

RUSH LIMBAUGH LETTER RAISES MILLIONS

(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. Madam Speaker, last week, America's number one radio personality, Rush Limbaugh, auctioned off for charity a letter shamefully signed by a group of 41 Democratic Senators. The letter to Limbaugh's employer attacked Rush for comments blatantly distorted by Media Matters regarding persons who had lied about their service in the military.

I am happy to report that the Senate letter of infamy was auctioned for $2.1 million, an amount Rush says he will generously match. That brings the total to $4.2 million.

The money will be donated to the Marine Corps-Law Enforcement Foundation. This charitable organization provides financial assistance to the children of fallen marines and law enforcement officers. I wish to commend Rush for overcoming what was clearly a political ploy to chill his first amendment rights of free speech. Rush took an abusive power by Democratic leadership and turned it into something positive. Between Rush Limbaugh and Senate Democrats, America knows who really supports our troops.

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

DEMOCRATS TRYING TO EASE THE PAIN OF MIDDLE CLASS FAMILIES BY MAKING COLLEGE AFFORDABLE

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

Mr. CLEAVER. Madam Speaker, I am very pleased to have the opportunity to address the House. I am excited to be a Democrat. I always take pleasure in giving reasons for why I am a member of the Democratic Party.

Since taking control of Congress, Democrats have worked to pass legislation that will help families once again live the American Dream. Over the last 6 years, college costs have shot up 40 percent, putting higher education out of reach for most Americans. I have one son in college today, and I can tell you I am excited over the fact that we passed, and the President did, in fact, sign the College Cost Reduction Act of 2007. This law is the single largest increase in college aid since the GI Bill. It strengthens the middle class by cutting interest rates in half and subsidizes student loans over the next 5 years. We are also able, in this bill, to increase the maximum Pell Grant scholarships by $500.

Madam Speaker, I am pleased and I am excited to be a Democrat.

SCHIP

(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, SCHIP continues to be used as a political game by Washington liberals. Sensible, effective compromise does exist to bring meaningful bipartisan support for this necessary program.

The Kids First bill, of which I am a cosponsor, adds 1.3 million new children to the SCHIP program by 2012. It encourages the States to move children to private coverage. Kids First provides $14 billion in new SCHIP allotments, and it includes $400 million in grants for outreach and enrollment. This is a sensible approach.

I support SCHIP, and I am committed to ensuring that it is a successful program that helps children who need it and the children for whom it was really intended, those who are in poverty. It makes SCHIP a program for those whom it was intended for.

I thank my colleagues, Representatives CAMP and HULSHOF, for their work on this bill. I ask my colleagues on the other side of the aisle to join us in this compromise approach to help put our poor children first.

RECOGNIZING THE U.S. ARMY'S 3RD ARROWHEAD BRIGADE–2ND INFANTRY DIVISION

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

Mr. SMITH of Washington. Madam Speaker, I rise today to pay tribute to a U.S. Army brigade from Fort Lewis, Washington, that has served with distinction in Iraq.

On October 11, the last of the roughly 3,800 men and women of the 3rd Brigade-2nd Infantry Division returned home to Fort Lewis after completing their second deployment to Iraq. The Arrowhead Brigade has been a trailblazer for the Army as the first brigade to be outfitted with the Stryker combat vehicles, the first Stryker Brigade to serve in Iraq, and now the first Stryker Brigade to complete two tours in Iraq.

During their recent deployment, the Arrowhead Brigade supported operations in Mosul, Baghdad, Baqubah, and other critical areas. On several occasions they were asked to secure downed U.S. aircraft and the sites of numerous suicide attacks. In addition, the Arrowhead Brigade constantly remained prepared to mobilize and deploy anywhere in Iraq for any number of contingencies within 24 hours.

In tribute to their brave service, seven members of the brigade were awarded the Silver Star, the United States' third highest award for combat valor. In the course of their deployment, the Arrowhead Brigade lost 48 of their comrades, with another 700 wounded.

I want to express my deep condolences to the 3–2 Brigade and the families of those fallen soldiers. Their contribution and sacrifice will not be forgotten. The men and women of the 3–2 Brigade have done everything their country has asked of them and more. We all should have the utmost respect and admiration for their service and sacrifice.

DOMESTIC VIOLENCE AWARENESS MONTH

(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. Madam Speaker, recently Congress passed House Resolution 590, supporting the goals of Domestic Violence Awareness Month while raising awareness of domestic violence throughout our country. I am here to voice my support for everyone impacted by this horrible nightmare. This is an issue which affects millions in urban and rural areas alike. It crosses economic lines, geographic lines and ethnic lines. No segment of our population is immune. One out of five women and one out of 14 men have been domestically assaulted at some point in their lives.

In my home State of Nebraska, there are more than 5,800 protection orders needed for those living in fear of violence. Domestic violence is an issue which too often is swept under the rug or ignored. So as part of the Domestic Violence Awareness Month, I am wearing a purple ribbon to raise awareness about the crime of domestic abuse as we work toward ending this violence.

SCHIP

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

Mr. ISRAEL. Madam Speaker, last week, despite the best efforts of the Democratic majority and about 44 Republicans, we were unable to override the President's veto of health insurance for the children of poor and working families. Now, I listened to the argument that we can't afford providing health care for our children, despite the fact that our SCHIP program was entirely paid for.

Look, Madam Speaker, I believe that a strong Nation can do both. You can be fiscally responsible and you can take care of your children. Good families manage to be fiscally responsible and take care of their children. It is just a matter of priorities. I will say, Madam Speaker, that I was struck by some of the mispriorities that I heard about. The same people who said that we can't afford health insurance for our children increased spending 7 percent a year since 2001 and voted to increase our debt limit 4 out of the past 5 years. The difference is that they spent on the wrong things. No spending? We can't afford health care for children but billions of dollars in tax cuts for the most profitable oil companies on Earth? We can't afford spending for health insurance for our children but billions of dollars in spending in no-bid contracts for Halliburton? We have increased the debt. We are putting it on our kids' shoulders, and now we are telling our kids we can't afford to help them with the x-rays.

FISA

(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, in the early hours of May 11, seven U.S. soldiers were on lookout near a patrol base in Iraq. Some time before dawn, heavily armed al Qaeda gunmen made coordinated surprise attacks on the soldiers. Four of the soldiers were killed and three others taken hostage. What happened next is a travesty and a failure of our public policy in support of the troops in the field. A search to rescue the men began immediately but was brought to a halt because of our FISA law, by the need for military lawyers to jump through legal hoops in order to gain approval to conduct surveillance of terrorist communications. Ten hours passed before they were granted such permission. The search for a kidnapped U.S. soldier was halted so that lawyers could find grounds to have the Attorney General grant special permission to listen in on the communications between the individuals in Iraq. Our FISA law, as the President has requested, needs reform, not the flawed bill the Democrats are seeking to pass.

□ 1015

SPENDING FOR CHIP VERSUS SPENDING IN IRAQ—IT'S ALL A QUESTION OF PRIORITIES

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

Mr. HODES. Madam Speaker, last week the rubber stamp Republicans in this House once again held true to their name by voting to stand with the President and reject health care coverage for 10 million American children. The spending priorities of the President's Republican allies in the House are simply out of line with the priorities of the American people. In fact, the 86 percent of Americans who support this bipartisan CHIP reauthorization might be interested to know that for the cost of just 37 days in Iraq, we could provide health care coverage to 10 million children. Yet the President's irresponsible, open-ended commitment to the occupation in Iraq continues, while the number of American children without access to health care keeps climbing.

Madam Speaker, yesterday the President asked Congress to borrow another $196 billion to continue his failed blank-check, no-plan policy in Iraq. But he and his Republican friends in

this body apparently feel that spending $35 billion on a highly successful program that provides health care to uninsured children is excessive.

It's time for Republicans to stop blindly following the President and start helping American families.

THE TAXPAYER CHOICE ACT

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

Mrs. BACHMANN. Madam Speaker, I want to bring before the body this morning an issue that needs more attention, not less, and that is the issue of the huge blob that ate the American Dream called the alternative minimum tax. One thing that we are seeing is that the alternative minimum tax, Madam Speaker, is set to rise at a level so unprecedented that the American economy has not experienced anything like this in the last 40 years.

Right now, the tax burden for the average American and to the economy is about 18.5 percent of GDP. If we don't scale back on the alternative minimum tax, we are looking at the tax burden of GDP being almost 24 percent by mid-century. We have never seen this level of taxation in our GDP. This means this money will come out of the pockets of the American taxpayer and will go into the coffers of the Federal Government.

This is a big concern, Madam Speaker, one that I am very concerned about, as I know most of the Members in this Chamber are as well.

In 1969, when the alternative minimum tax came in, it was 155 people. I will close with the fact that this year we are looking at 23 million Americans impacted.

PRESIDENT BUSH ASKS FOR ANOTHER $196 BILLION TO FUND THE WAR IN IRAQ IN 2008

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

Ms. SHEA-PORTER. Madam Speaker, yesterday President Bush asked Congress to rubber-stamp his plan to spend $196 billion next year on the war in Iraq. I have to tell the President: not a nickel more for this war.

Since the beginning of this year, congressional Democrats have been trying to change a war policy from one where our troops will stay there for more than a decade, to one where we have a responsible redeployment and bring the troops home next year. The President believes it's acceptable to spend billions of dollars in Iraq, while important domestic priorities here in our own country go unmet.

While the President was crafting his $196 billion war supplemental, the Democratic House approved appropriations bills that included targeted investments in our priorities here at home: education, health care for veterans, more police on the streets, caring for American families.

Madam Speaker, as Congress begins to examine the President's latest war-funding bill, we will once again demand that the President change course in Iraq and get a responsible plan to bring our troops home within the year.

SUPPORT FOR BELARUS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to acknowledge the pro-democracy rally that took place in Belarus on October 7. During this event, thousands of protesters flooded the streets of the capital city in support of democracy and to demand free and fair elections. The protesters shouted ''Belarus and Europe,'' and they waved European Union flags to express outrage against Alexander Lukashenko. That is the person the State Department has labeled ''the last dictator of Europe.''

It is time for this dictator, who cheated his way into office by stealing the elections last year, to step aside, step down, and let the people decide who should lead their country through legitimate and clean elections. The world must not tolerate evil dictators, and this one must step aside to allow Belarus to join the modern world rather than suffer under the oppressive and selfish rule of one man.

I applaud, Madam Speaker, the courage of the protesters who took to the streets in Belarus, and I stand with them in their quest for freedom, democracy, and the rule of law.

REAUTHORIZE SCHIP

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

Mr. CARNAHAN. Madam Speaker, President Bush and about 10 House Republicans are all that stand between 10 million children and the health care they need and deserve. I am deeply disappointed in the President's dumbfounding veto of the SCHIP bill. He reneged on his pledge he made when running for re-election in 2004.

The bill to reauthorize SCHIP continues coverage for 6 million kids currently covered and provides incentives for another 4 million kids who have been falling through the cracks of the health care system. The program continues to focus on low- and moderate-income families who earn too much for the Medicaid program, but can't afford private health care.

Madam Speaker, the big momentum behind this historic bill is growing exponentially and will not be stopped. To those blocking the SCHIP reauthorization from becoming law, I say either get on board, get out of the way, or get run over. The children's health care bill is on its way, either with or without you.

SCHIP supporters are even more determined than ever to get this done by the mid-November deadline. Let's all finish this job. For children's health care in America, it's fourth and goal on the 1-yard line. Working together, we can overpower anyone left blocking the way.

THE MEANING OF THE RESTORE ACT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, as we listen to the comments of our colleagues on the other side of the aisle, it is obvious that what they intend to do is to make this ''SCHIP Week'' and ''SCHIP Month.'' You kind of wonder why they are doing this.

Reflect back on last week when we had a most important vote scheduled for this floor that somehow was removed. It was called the FISA vote. It is the question of how we enable ourselves to protect us and our children and our grandchildren against the attacks of those who are terrorists around the world. We do it in many ways, but absolutely essential is intelligence.

Madam Speaker, the FISA bill, the Foreign Intelligence Surveillance Act, would have been destroyed by the bill placed on the floor last week by the majority, the so-called RESTORE Act. It actually gave greater protection to Osama bin Laden in a telephone conversation than an American citizen in the United States accused of a crime.

RESTORE: What does it mean? Repeal Effective Surveillance Techniques Opposing Real Enemies. Go out to NSA and see what they are doing. Understand what we need to do in this country and then bring a bill back to this floor that restores the ability of the United States to find out about our enemies before they attack.

TRIBUTE TO KENNETH T. WHALUM, SR.

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

Mr. COHEN. Madam Speaker, the City of Memphis, Tennessee, has lost one of its finest citizens, Kenneth Whalum, Sr.

Kenneth Whalum, Sr., passed away last night. He was a pastor, he was a two-time city councilman, he was a father, he was a family man, he was a leader in our community.

For 30 years, he was the pastor of the Olivet Baptist Church and very highly respected in the community and among the clergy. For 8 years, he was a city councilman, one time as a district councilman in a community known as Orange Mound. Then when he saw a higher calling and the need to address a higher subject, he ran against an incumbent city councilman, at the time

unheard of, and was elected at large, one of the first African Americans elected at large to the Memphis City Council.

He was also a postal service employee and had a career there and rose through the ranks to director of personnel. For that reason, this House, and this week with the President's action, the post office at Third Street in Memphis, Tennessee, will be named the Kenneth T. Whalum, Sr., Postal Building. That is a tribute to his work and all postal employees.

He had a family of which the City of Memphis is proud. His son Kenneth, Jr., is a pastor and a member of the school board. His son Kirk Whalum is a world-renowned saxophonist, and his other son Kevin is a musician with a contract and a poet.

There have been many great families in the City of Memphis to get involved in politics, but none greater than the Whalums. The hair of the hypocrite never was upon this family, and the idea of discrimination and bigotry or intolerance never disgraced them either. He was a leader in biracial politics and activities in the City of Memphis. He was a leader in being bipartisan as well.

There have been few people like Kenneth Whalum, Sr., in the City of Memphis. There will be few to come. I share his loss greatly. He was a supporter of mine who, although he had a stroke and had difficulty walking, came down and did a political ad for me when he could hardly get up the stairs, and on television it was like an angel speaking. When JOHN CONYERS came to Memphis in February, he made it up a whole flight of stairs to see JOHN CONYERS, and a happier man I have not seen. He knew the post office was being named for him before he passed. I am happy he knew that and I am happy I knew him. We have lost a great leader.

NEW DIALOGUE NEEDED TO BRING TROOPS HOME

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

Mr. BRALEY of Iowa. Madam Speaker, it is clear that President Bush has no intention of changing the course in Iraq in any way before he leaves office in January 2009. In fact, both the President and the Pentagon have recently said that they expect American combat troops to be in Iraq for another 10 years; and just yesterday the President requested an additional $196 billion to fund the war in Iraq for the upcoming year.

The Democratic Congress rejects the notion that our troops are needed in Iraq for the next decade. If the Iraqi Government knows that we are going to be there for 10 years, they have absolutely no reason to make any of the tough political compromises that they promised they would make when the troop escalation began earlier this year. Instead, we support a responsible redeployment out of Iraq so that the Iraqis can finally take control of their own fate and so that we are no longer sending more than $2 billion there every week.

Madam Speaker, House Democrats are committed to bringing our troops home, but we can't do it alone. I hope this outrageous funding request serves as a wake-up call to my Republican friends and starts a new dialogue to bring our troops home.

DISCLOSE SALARIES OF CERTAIN GOVERNMENT CONTRACTORS

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

Mr. MURPHY of Connecticut. Madam Speaker, when will it end with Blackwater? Probably not soon enough. Just yesterday, the Committee on Oversight and Government Reform released findings that show that Blackwater has potentially misclassified hundreds of workers in Iraq and Afghanistan, evading taxes and costing the taxpayers in the United States at least $30 million. This comes a few weeks after the same committee discovered that Blackwater is raking in potentially $100 million in profit off of their government contracts. We have got to get this situation under control.

That is why I, along with Mr. WELCH and Chairman WAXMAN, have introduced legislation to require that private government contractors receiving more than 80 percent of their revenue from Federal contracts, like Blackwater, must disclose the salaries of their most highly compensated employees.

It just isn't right for executives at Blackwater or anywhere else to make their fortune off of war profiteering. It is our money, and we deserve to know how it is being used.

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

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Madam Speaker, I offer a privileged resolution (H. Res. 767) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 767

Whereas, United States soldiers and personnel in Iraq are fighting to protect innocent Americans from being attacked by al-Qaeda and radical jihadists who are determined to kill the American people.

Whereas, on October 18, 2007, in debate on H.R. 976, Children's Health Insurance Program Reauthorization Act, the Member from California, Mr. Stark, stated: ''You don't have money to fund the war or children. But you're going to spend it to blow up innocent people if we can get enough kids to grow old enough for you to send to Iraq to get their heads blown off for the President' amusement.''

Whereas, on October 18, 2007, in a press release, Rep. Pete Stark is quoted as saying: ''I respect neither the Commander-in-Chief who keep them in harms way nor the chickenhawks in Congress.''

Whereas, the Member from California, Mr. Stark, engaged in personally abusive language toward the President and Members of the House, including the use of language that impugns their motives.

Whereas, the Member from California, Mr. Stark dishonors not only the Commander-in-Chief, but the thousands of courageous men and women of America's armed forces who believe in their mission and are putting their lives on the line for our freedom and security.

Whereas, the Member from California, Mr. Stark, has failed to retract his statement and apologize to the Members of the House, our Commander-in-Chief, and the families of our soldiers and commanders fighting terror overseas.

Resolved, That the Member from California, Mr. Stark, by his despicable conduct, has dishonored himself and brought discredit to the House and merits the censure of the House for the same.

Resolved, The Member from California, Mr. Stark, is hereby so censured.

□ 1030

The SPEAKER pro tempore (Mrs. TAUSCHER). The resolution presents a question of privilege.

MOTION TO TABLE OFFERED BY MR. THOMPSON OF MISSISSIPPI

Mr. THOMPSON of Mississippi. Madam Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 196, nays 173, answered ''present'' 8, not voting 55, as follows:

[Roll No. 986]

YEAS—196

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

Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
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)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NAYS—173

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

ANSWERED ''PRESENT''—8

Boren
Cleaver
Davis, Lincoln
Hill
Loebsack
Mahoney (FL)
Melancon
Moore (KS)

NOT VOTING—55

Akin
Bishop (UT)
Bonner
Boyda (KS)
Brady (TX)
Butterfield
Carson
Crenshaw
Cubin
Culberson
Cummings
Edwards
Engel
Everett
Fattah
Feeney
Fossella
Green, Gene
Hastert
Hinojosa
Hoekstra
Holden
Hunter
Jindal
Johnson (IL)
Johnson, E. B.
Kind
King (NY)
LaHood
McHenry
McKeon
Mollohan
Moore (WI)
Moran (VA)
Murtha
Pastor
Paul
Pickering
Platts
Poe
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rothman
Simpson
Snyder
Souder
Waxman
Weldon (FL)
Westmoreland
Whitfield
Wilson (OH)
Wynn
Young (FL)

□ 1101

Mr. LEWIS of California and Mr. TIAHRT changed their vote from ''yea'' to ''nay.''

Messrs. HOLT, SMITH of Washington, and DOGGETT changed their vote from ''nay'' to ''yea.''

Mr. DONNELLY changed his vote from ''present'' to ''nay.''

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PASTOR. Madam Speaker, on rollcall No. 986, I was at a meeting away from my office and unable to return on time. Had I been present, I would have voted "yea."

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall No. 986, had I been present, I would have voted "yea."

Mr. KIND. Madam Speaker, I was detained in my district and was unable to have my vote recorded on the House floor on Tuesday, October 23, 2007 for H. Res. 767 (Roll No. 986). Had I been present, I would have voted "yea."

Mr. POE. Madam Speaker, on rollcall No. 986, had I been present, I would have voted "nay."

Mr. FOSSELLA. Madam Speaker, on rollcall No. 986, had I been present, I would have voted "nay."

Mrs. BOYDA of Kansas. Madam Speaker, had I been present for rollcall vote 986, I would have voted "nay."

QUESTION OF PERSONAL PRIVILEGE

Mr. STARK. Madam Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore (Ms. DEGETTE). The gentleman has apprised the Chair of media accounts that give rise to a question of personal privilege under rule IX.

The gentleman from California is recognized for 1 hour.

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

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

Mr. STARK. I thank the Speaker.

In a very serious note, and I won't take the hour, I want to apologize to, first of all, my colleagues, many of whom I have offended, to the President, to his family, to the troops that may have found in my remarks, as were suggested in the motion that we just voted on, and I do apologize.

For this reason, I think that we have a serious issue before us, the issue of providing medical care to children, the issue of what we do about a war that we are divided about how to end.

I hope that with this apology, I will become as insignificant as I should be and that we can return to the issues that do divide us, but that we can resolve in a better fashion.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM PREVENTION ACT OF 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1955) to prevent homegrown terrorism, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1955

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 ''Violent Radicalization and Homegrown Terrorism Prevention Act of 2007''.

SEC. 2. PREVENTION OF VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM.

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle J—Prevention of Violent Radicalization and Homegrown Terrorism

"SEC. 899A. DEFINITIONS.

''For purposes of this subtitle:

''(1) COMMISSION.—The term 'Commission' means the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism established under section 899C.

''(2) VIOLENT RADICALIZATION.—The term 'violent radicalization' means the process of adopting or promoting an extremist belief system for the purpose of facilitating ideologically based violence to advance political, religious, or social change.

''(3) HOMEGROWN TERRORISM.—The term 'homegrown terrorism' means the use, planned use, or threatened use, of force or violence by a group or individual born, raised, or based and operating primarily within the United States or any possession of the

United States to intimidate or coerce the United States government, the civilian population of the United States, or any segment thereof, in furtherance of political or social objectives.

''(4) IDEOLOGICALLY BASED VIOLENCE.—The term 'ideologically based violence' means the use, planned use, or threatened use of force or violence by a group or individual to promote the group or individual's political, religious, or social beliefs.

"SEC. 899B. FINDINGS.

''The Congress finds the following:

''(1) The development and implementation of methods and processes that can be utilized to prevent violent radicalization, homegrown terrorism, and ideologically based violence in the United States is critical to combating domestic terrorism.

''(2) The promotion of violent radicalization, homegrown terrorism, and ideologically based violence exists in the United States and poses a threat to homeland security.

''(3) The Internet has aided in facilitating violent radicalization, ideologically based violence, and the homegrown terrorism process in the United States by providing access to broad and constant streams of terrorist-related propaganda to United States citizens.

''(4) While the United States must continue its vigilant efforts to combat international terrorism, it must also strengthen efforts to combat the threat posed by homegrown terrorists based and operating within the United States.

''(5) Understanding the motivational factors that lead to violent radicalization, homegrown terrorism, and ideologically based violence is a vital step toward eradicating these threats in the United States.

''(6) Preventing the potential rise of self radicalized, unaffiliated terrorists domestically cannot be easily accomplished solely through traditional Federal intelligence or law enforcement efforts, and can benefit from the incorporation of State and local efforts.

''(7) Individuals prone to violent radicalization, homegrown terrorism, and ideologically based violence span all races, ethnicities, and religious beliefs, and individuals should not be targeted based solely on race, ethnicity, or religion.

''(8) Any measure taken to prevent violent radicalization, homegrown terrorism, and ideologically based violence and homegrown terrorism in the United States should not violate the constitutional rights, civil rights, or civil liberties of United States citizens or lawful permanent residents.

''(9) Certain governments, including the United Kingdom, Canada, and Australia have significant experience with homegrown terrorism and the United States can benefit from lessons learned by those nations.

"SEC. 899C. NATIONAL COMMISSION ON THE PREVENTION OF VIOLENT RADICALIZATION AND IDEOLOGICALLY BASED VIOLENCE.

''(a) ESTABLISHMENT.—There is established within the legislative branch of the Government the National Commission on the Prevention of Violent Radicalization and Homegrown Terrorism.

''(b) PURPOSE.—The purposes of the Commission are the following:

''(1) Examine and report upon the facts and causes of violent radicalization, homegrown terrorism, and ideologically based violence in the United States, including United States connections to non-United States persons and networks, violent radicalization, homegrown terrorism, and ideologically based violence in prison, individual or 'lone wolf' violent radicalization, homegrown terrorism, and ideologically based violence, and other faces of the phenomena of violent radicalization, homegrown terrorism, and ideologically based violence that the Commission considers important.

''(2) Build upon and bring together the work of other entities and avoid unnecessary duplication, by reviewing the findings, conclusions, and recommendations of—

''(A) the Center of Excellence established or designated under section 899D, and other academic work, as appropriate;

''(B) Federal, State, local, or tribal studies of, reviews of, and experiences with violent radicalization, homegrown terrorism, and ideologically based violence; and

''(C) foreign government studies of, reviews of, and experiences with violent radicalization, homegrown terrorism, and ideologically based violence.

''(c) COMPOSITION OF COMMISSION.—The Commission shall be composed of 10 members appointed for the life of the Commission, of whom—

''(1) one member shall be appointed by the President from among officers or employees of the executive branch and private citizens of the United States;

''(2) one member shall be appointed by the Secretary;

''(3) one member shall be appointed by the majority leader of the Senate;

''(4) one member shall be appointed by the minority leader of the Senate;

''(5) one member shall be appointed by the Speaker of the House of Representatives;

''(6) one member shall be appointed by the minority leader of the House of Representatives;

''(7) one member shall be appointed by the Chairman of the Committee on Homeland Security of the House of Representatives;

''(8) one member shall be appointed by the ranking minority member of the Committee on Homeland Security of the House of Representatives;

''(9) one member shall be appointed by the Chairman of the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(10) one member shall be appointed by the ranking minority member of the Committee on Homeland Security and Governmental Affairs of the Senate.

''(d) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and a Vice Chair from among its members.

''(e) QUALIFICATIONS.—Individuals shall be selected for appointment to the Commission solely on the basis of their professional qualifications, achievements, public stature, experience, and expertise in relevant fields, including, but not limited to, behavioral science, constitutional law, corrections, counterterrorism, cultural anthropology, education, information technology, intelligence, juvenile justice, local law enforcement, organized crime, Islam and other world religions, sociology, or terrorism.

''(f) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed no later than 60 days after the date of enactment of this subtitle.

''(g) QUORUM AND MEETINGS.—The Commission shall meet and begin the operations of the Commission not later than 30 days after the date on which all members have been appointed or, if such meeting cannot be mutually agreed upon, on a date designated by the Speaker of the House of Representatives. Each subsequent meeting shall occur upon the call of the Chair or a majority of its members. A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold meetings.

''(h) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

''(i) POWERS OF COMMISSION.—The powers of the Commission shall be as follows:

''(1) IN GENERAL.—

''(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this section, hold hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission considers advisable to carry out its duties.

''(B) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

''(2) INFORMATION FROM FEDERAL AGENCIES.—

''(A) IN GENERAL.—The Commission may request directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this section. The head of each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent practicable and authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chair of the Commission, by the chair of any subcommittee created by a majority of the Commission, or by any member designated by a majority of the Commission.

''(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—The Committee and its staff shall receive, handle, store, and disseminate information in a manner consistent with the operative statutes, regulations, and Executive orders that govern the handling, storage, and dissemination of such information at the department, bureau, agency, board, commission, office, independent establishment, or instrumentality that responds to the request.

''(j) ASSISTANCE FROM FEDERAL AGENCIES.—

''(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

''(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance required under paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, and staff as they may determine advisable and as may be authorized by law.

''(k) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

''(l) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

''(m) PUBLIC MEETINGS.—

''(1) IN GENERAL.—The Commission shall hold public hearings and meetings to the extent appropriate.

''(2) PROTECTION OF INFORMATION.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order including subsection (i)(2)(B).

''(n) STAFF OF COMMISSION.—

''(1) APPOINTMENT AND COMPENSATION.—The Chair of the Commission, in consultation with the Vice Chair and in accordance with

rules adopted by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the maximum rate of pay for GS–15 under the General Schedule.

''(2) STAFF EXPERTISE.—Individuals shall be selected for appointment as staff of the Commission on the basis of their expertise in one or more of the fields referred to in subsection (e).

''(3) PERSONNEL AS FEDERAL EMPLOYEES.—

''(A) IN GENERAL.—The executive director and any employees of the Commission shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

''(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

''(4) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and during such detail shall retain the rights, status, and privileges of his or her regular employment without interruption.

''(5) CONSULTANT SERVICES.—The Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

''(6) EMPHASIS ON SECURITY CLEARANCES.—The Commission shall make it a priority to hire as employees and retain as contractors and detailees individuals otherwise authorized by this section who have active security clearances.

''(o) COMMISSION PERSONNEL MATTERS.—

''(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an employee of the government shall be compensated at a rate not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

''(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

''(3) TRAVEL ON ARMED FORCES CONVEYANCES.—Members and personnel of the Commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when such travel is necessary in the performance of a duty of the Commission, unless the cost of commercial transportation is less expensive.

''(4) TREATMENT OF SERVICE FOR PURPOSES OF RETIREMENT BENEFITS.—A member of the Commission who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the Commission shall not be subject to the provisions of such section with respect to membership on the Commission.

''(5) VACANCIES.—A vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made. The appointment of the replacement member shall be made not later than 60 days after the date on which the vacancy occurs.

''(p) SECURITY CLEARANCES.—The heads of appropriate departments and agencies of the executive branch shall cooperate with the Commission to expeditiously provide Commission members and staff with appropriate security clearances to the extent possible under applicable procedures and requirements.

''(q) REPORTS.—

''(1) FINAL REPORT.—Not later than 18 months after the date on which the Commission first meets, the Commission shall submit to the President and Congress a final report of its findings and conclusions, legislative recommendations for immediate and long-term countermeasures to violent radicalization, homegrown terrorism, and ideologically based violence, and measures that can be taken to prevent violent radicalization, homegrown terrorism, and ideologically based violence from developing and spreading within the United States, and any final recommendations for any additional grant programs to support these purposes. The report may also be accompanied by a classified annex.

''(2) INTERIM REPORTS.—The Commission shall submit to the President and Congress—

''(A) by not later than 6 months after the date on which the Commission first meets, a first interim report on—

''(i) its findings and conclusions and legislative recommendations for the purposes described in paragraph (1); and

''(ii) its recommendations on the feasibility of a grant program established and administered by the Secretary for the purpose of preventing, disrupting, and mitigating the effects of violent radicalization, homegrown terrorism, and ideologically based violence and, if such a program is feasible, recommendations on how grant funds should be used and administered; and

''(B) by not later than 6 months after the date on which the Commission submits the interim report under subparagraph (A), a second interim report on such matters.

''(3) INDIVIDUAL OR DISSENTING VIEWS.—Each member of the Commission may include in each report under this subsection the individual additional or dissenting views of the member.

''(4) PUBLIC AVAILABILITY.—The Commission shall release a public version of each report required under this subsection.

''(r) AVAILABILITY OF FUNDING.—Amounts made available to the Commission to carry out this section shall remain available until the earlier of the expenditure of the amounts or the termination of the Commission.

''(s) TERMINATION OF COMMISSION.—The Commission shall terminate 30 days after the date on which the Commission submits its final report.

''SEC. 899D. CENTER OF EXCELLENCE FOR THE STUDY OF VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM IN THE UNITED STATES.

''(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish or designate a university-based Center of Excellence for the Study of Violent Radicalization and Homegrown Terrorism in the United States (hereinafter referred to as 'Center') following the merit-review processes and procedures and other limitations that have been previously established for selecting and supporting University Programs Centers of Excellence. The Center shall assist Federal, State, local and tribal homeland security officials through training, education, and research in preventing violent radicalization and homegrown terrorism in the United States. In carrying out this section, the Secretary may choose to either create a new Center designed exclusively for the purpose stated herein or identify and expand an existing Department of Homeland Security Center of Excellence so that a working group is exclusively designated within the existing Center of Excellence to achieve the purpose set forth in subsection (b).

''(b) PURPOSE.—It shall be the purpose of the Center to study the social, criminal, political, psychological, and economic roots of violent radicalization and homegrown terrorism in the United States and methods that can be utilized by Federal, State, local, and tribal homeland security officials to mitigate violent radicalization and homegrown terrorism.

''(c) ACTIVITIES.—In carrying out this section, the Center shall—

''(1) contribute to the establishment of training, written materials, information, analytical assistance and professional resources to aid in combating violent radicalization and homegrown terrorism;

''(2) utilize theories, methods and data from the social and behavioral sciences to better understand the origins, dynamics, and social and psychological aspects of violent radicalization and homegrown terrorism;

''(3) conduct research on the motivational factors that lead to violent radicalization and homegrown terrorism; and

''(4) coordinate with other academic institutions studying the effects of violent radicalization and homegrown terrorism where appropriate.

''SEC. 899E. PREVENTING VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM THROUGH INTERNATIONAL COOPERATIVE EFFORTS.

''(a) INTERNATIONAL EFFORT.—The Secretary shall, in cooperation with the Department of State, the Attorney General, and other Federal Government entities, as appropriate, conduct a survey of methodologies implemented by foreign nations to prevent violent radicalization and homegrown terrorism in their respective nations.

''(b) IMPLEMENTATION.—To the extent that methodologies are permissible under the Constitution, the Secretary shall use the results of the survey as an aid in developing, in consultation with the Attorney General, a national policy in the United States on addressing radicalization and homegrown terrorism.

''(c) REPORTS TO CONGRESS.—The Secretary shall submit a report to Congress that provides—

''(1) a brief description of the foreign partners participating in the survey; and

''(2) a description of lessons learned from the results of the survey and recommendations implemented through this international outreach.

''SEC. 899F. PROTECTING CIVIL RIGHTS AND CIVIL LIBERTIES WHILE PREVENTING IDEOLOGICALLY BASED VIOLENCE AND HOMEGROWN TERRORISM.

''(a) IN GENERAL.—The Department of Homeland Security's efforts to prevent ideologically based violence and homegrown terrorism as described herein shall not violate the constitutional rights, civil rights, or civil liberties of United States citizens or lawful permanent residents.

''(b) COMMITMENT TO RACIAL NEUTRALITY.—The Secretary shall ensure that the activities and operations of the entities created by this subtitle are in compliance with the Department of Homeland Security's commitment to racial neutrality.

''(c) AUDITING MECHANISM.—The Civil Rights and Civil Liberties Officer of the Department of Homeland Security shall develop and implement an auditing mechanism

to ensure that compliance with this subtitle does not violate the constitutional rights, civil rights, or civil liberties of any racial, ethnic, or religious group, and shall include the results of audits under such mechanism in its annual report to Congress required under section 705.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting at the end of the items relating to title VIII the following:

''Subtitle J—Prevention of Violent Radicalization and Homegrown Terrorism

''Sec. 899A. Definitions.
''Sec. 899B. Findings.
''Sec. 899C. National Commission on the Prevention of Violent Radicalization and Ideologically Based Violence.
''Sec. 899D. Center of Excellence for the Study of Violent Radicalization and Homegrown Terrorism in the United States.
''Sec. 899E. Preventing violent radicalization and homegrown terrorism through international cooperative efforts.
''Sec. 899F. Protecting civil rights and civil liberties while preventing ideologically based violence and homegrown terrorism.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from Washington (Mr. REICHERT) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this bill and include therein any extraneous material.

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

There was no objection.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 1955, the Violent Radicalization of Homegrown Terrorism Prevention Act of 2007.

In May, six men were arrested for allegedly plotting to attack Fort Dix. Three of those men were United States citizens; the other three had been in the United States since they were small children. Then, again, in June, another four men were charged with plotting to attack JFK Airport by blowing up jet fuel tanks. The alleged mastermind of this plot was a United States citizen.

Today, one of the most frequently visited English language Web sites that preaches hate, violence and radicalized views of Islam is operated by a 21-year-old U.S. citizen from the comfort of his parents' home in North Carolina. Some may say these incidents are isolated cases, but I believe that they are indicative of a growing trend of homegrown terrorism in this country.

Homegrown terrorists no longer need to travel to Afghanistan or Pakistan to get support and training. They can simply go on the Internet to find violent propaganda and others who share their violent ideology. H.R. 1955 provides us with a strategy for how to address this very challenging Homeland Security issue. I commend Chairwoman HARMAN for authoring this important legislation and for championing this case.

The centerpiece of this bill is the creation of a national commission. It is a step in the right direction. National commissions have a long and successful history in this country. The Gilmore Commission, of which our chairwoman was a member, which functioned from 1993 to 1998, made 164 recommendations regarding the domestic response to terrorism. Of those 164 recommendations, all have been adopted in whole or in part by the Congress and the Federal Government.

Another commission, the National Commission on Terrorism, which operated in the early 1990s, was on the cutting edge of the terrorism debate. That commission provided the Nation with the blueprint of how to address the threat of terrorism long before the September 11 attacks.

The more recent 9/11 Commission set the tenor of our administrative and legislative response to the September 11 attack. That commission's recommendations were the bedrock of legislation I offered that was enacted into law this summer.

The commission established in H.R. 1955 will help build on the work of past commissions and help our Nation come up with strategies for new threats. The bill also requires our government to reach out to other nations that have experienced home grown terrorism. Learning from other nations about what works and what doesn't will better position us to prevent the spread of violent ideology in our country.

The bill also creates a center of excellence to conduct research that is desperately needed in determining the root cause of violent radicalization.

At the same time, H.R. 1955 also protects simple rights and liberties of U.S. citizens. The bill is mindful of Americans' right to free speech, freedom of association and freedom to worship. H.R. 1955 makes certain that individuals exercising these rights within lawful parameters are not singled out.

I urge my colleagues to support this important Homeland Security bill and ask them to vote in favor of passage of this important legislation.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise today in strong support of H.R. 1955, the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007.

As the ranking member on the Homeland Security Subcommittee on Intelligence, I would like to commend, first of all and especially, Chairwoman JANE HARMAN, who has, as the chairman says, Mr. THOMPSON, really done a lot of work in this area and has been at the forefront of our intelligence community in working to protect our Nation.

I also want to thank the full committee chairman, Mr. THOMPSON of Mississippi, for all his hard work, and our ranking member, Mr. KING of New York, who could not be here today.

This truly has been a bipartisan effort. It's one of those issues that all of us in this body recognize as so critical to the protection of our citizens and our country. This legislation is focused on addressing the issue of radicalization and homegrown terrorism. While terrorist recruitment and radicalization is a worldwide problem that must be combated globally, the United States cannot afford to simply focus on eliminating terrorists abroad. It is essential that we fully understand the future and the nature of the threat here in the United States from homegrown radicals.

In the National Intelligence Estimate on the Terrorist Threat to the U.S. Homeland released in July of this year, the Director of National Intelligence and the National Intelligence Council assess, ''The spread of radical Internet sites, increasingly aggressive anti-U.S. rhetoric and actions, and the growing number of radical, self-generating cells in Western countries indicate that the radical and violent segment of the West's Muslim population is expanding, including in the United States. The arrest and prosecution by U.S. law enforcement of a small number of violent Islamic extremists inside the United States—who are becoming more connected ideologically, virtually, and/or in a physical sense to the global extremist movement—points to the possibility that others may become sufficiently radicalized that they will view the use of violence here as legitimate.''

Because of the freedoms of our society, and the interconnected world we live in, radical ideas spread easily. These ideas can come from overseas or from within the United States. They can come from within prisons inside of isolated religious or ethnic enclaves or on the Internet. These ideas reach people in the privacy of their homes, via the Internet, and can be similarly assessed by vulnerable individuals at schools, libraries and universities.

Unfortunately, our freedoms are being abused by individuals whose sole purpose is to destroy our way of life. While we have not seen radicalization to the extent witnessed in other Western countries like the United Kingdom, we have seen homegrown terrorist cells.

Prisoners in Sacramento state prison plotted to attack Jewish and U.S. military targets. Radicalized individuals plotted to destroy fuel tanks at JFK Airport in New York and aimed to create carnage at Fort Dix in New Jersey.

While clearly law enforcement and intelligence efforts are key to intercepting and interdicting these ideas and thoughts and efforts in our country, we need a strategy to ensure that

violent, radical ideologies are contained. Because of the nature of this threat, it is essential that we understand why individuals become radicalized and what we can do to prevent radical ideologies from taking hold and spreading here in the United States.

H.R. 1955 establishes a National Commission on the Prevention of Violent Radicalization and Ideologically Based Violence. The commission incorporates aspects of H.R. 1695, the PREVENT Act, which I introduced earlier this year. The purpose of this national commission would be to proactively get ahead of the radicalization problems so that as a Nation we can combat these radical ideologies before they become widespread within our borders.

In addition, H.R. 1955 includes provisions to help us learn from our international partners on how they are trying to prevent radicalization in their own countries. This issue is not new to many countries throughout the world such as the United Kingdom, and I believe it is critical for us to work with our international partners and learn from their past successes and failures.

□ 1115

Lastly, this legislation includes provisions that ensure privacy and civil rights are protected for all American citizens.

Again, I would like to commend Chairman HARMAN and Chairman THOMPSON for working with me and Mr. KING on this legislation. I urge all my colleagues to support this bill.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield as much time as she may consume to the gentlelady from California (Ms. HARMAN), the chairman of the subcommittee, as well as the author of this legislation under consideration today.

Ms. HARMAN. Madam Speaker, I thank my chairman for yielding to me, and I thank my ranking member, Mr. REICHERT, for his generous remarks.

Madam Speaker, on 9/11 we were attacked by foreigners who had come to this country legally. The next time and, sadly, I believe there will be a next time, my assumption is that many who attack us will already be here, and some will be U.S. citizens. Homegrown terror is a phenomenon many countries are scrambling to understand, including the British, as they are under major threat from it. Theirs is a peculiar kind with a large Pakistani population that is not well assimilated.

But America has a problem too, unique in nature, and we fail to understand it at our peril. Far from being immune to the danger of homegrown terror, think Timothy McVeigh or Theodore Kaczynski, the threat today is infinitely greater and more likely to be influenced by events in the Middle East or by the larger struggle against radical Islam.

What causes an individual or group to, first, coalesce around a set of radical principles or a charismatic leader, activities permitted by our Bill of Rights, but subsequently to embrace a violent agenda intended to inflict maximum pain and disruption on his neighbors, potential treason, is not well understood.

In recent testimony before our Intelligence Subcommittee, some common traits and characteristics emerged. Said RAND Corporation's Bruce Jenkins: ''It is the same age group that is susceptible to being recruited into gangs. These are young men who are going through identity crises, looking to define themselves. If you have a narrative that exalts violence, that attempts to project that violence as a personal obligation, that offers the tantalizing prospect of clandestinity, identity, all of those are appealing to that specific age group.''

Combine that personal adolescent upheaval with the explosion of information technologies and communications tools, tools which American kids are using to broadcast messages from al Qaeda, as Chairman THOMPSON just said, and there is a road map to terror, a retail outlet for anger and warped aspirations. Link that intent with a trained terrorist operative who has actual capability, and a ''Made in the USA'' suicide bomber is born.

Madam Speaker, H.R. 1955 was carefully constructed by DAVE REICHERT and me, as ranking member and chairman of the Homeland Security Intelligence Subcommittee. The bill passed out of subcommittee and full committee unanimously. This bill has strong bipartisan origins. As one who believes that this body's best work is done on a bipartisan basis, I think this bill is a testament. Though not a silver bullet, the legislation will help the Nation develop a better understanding of the forces that lead to homegrown terrorism and the steps we can take to stop it.

Madam Speaker, free speech, espousing even very radical beliefs, is protected by our Constitution. But violent behavior is not. Our plan must be to intervene before a person crosses that line separating radical views from violent behavior, to understand the forces at work on the individual and the community, to create an environment that discourages disillusionment and alienation, that instills in young people a sense of belonging and faith in the future.

The legislation before us today offers that opportunity. It is, I would suggest, the key to prevention. If we fail to prevent, the best we can do is manage consequences. Prevention is better. I urge an ''aye'' vote.

Mr. REICHERT. Madam Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. DANIEL E. LUNGREN), the ranking member of the Transportation Security and Infrastructure Protection Subcommittee.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, according to the FBI testimony before our House Committee on Homeland Security: ''The European and American experience shows that prisons are venues where extremists have radicalized and recruited among the inmate population.''

Now, this is not just a theoretical concern. We all remember the case of Richard Reid, apprehended while attempting to detonate a bomb on a U.S.-bound commercial flight in December 2001. Well, that same Mr. Reid is believed to have been radicalized by an imam while incarcerated in Britain.

In 2005 we learned of the California prison-based case of the ''Assembly of Authentic Islam.'' These individuals were involved in almost a dozen armed gas station robberies in the Los Angeles area, with the goal of financing terrorist operations. They were indicted by a Federal grand jury for conspiracy to levy war against the U.S. Government through terrorism.

And in April of this year, in a hearing that we held out in Torrance, California, Sergeant Larry Mead of the Gang Intelligence Unit, Los Angeles County Sheriff's Department, testified that ''analysis shows that radicalization and recruitment in U.S. prisons is still an ongoing concern.''

Similarly, in a recent report, the NYPD noted that prisons are ''an excellent breeding ground for radicalization.''

The key to the success of stopping the spread of radicalization is identifying how radicalization begins and eliminating its breeding grounds. We know we have difficulties with this phenomenon in our prisons, but we don't know enough about it. We need to have collaboration between the Federal prison system authorities and the State prison system authorities and within the prison system authorities themselves. We need to bring together the best thinkers on this, the best people who have experience in dealing with this already at the ground level; and, in fact, this bill does that.

Radicalization is not that well understood, and through this bill we will take an in-depth look at how it occurs. The commission provided for in H.R. 1955 would give our government an in-depth, multidisciplinary look at radicalization. And why is that important? Because no one has the single answer on this.

Yes, we have the background of prisons as the general background to look at the radicalization in prisons, but how does it occur? Why does it occur? And why are we seeing a rise in this at this particular time when it is perhaps most dangerous to the American people?

Radical Islam and its advocates around the world are a threat to America, but we have to understand we might develop a threat within the United States, as evidenced already by certain actions that have occurred. And therefore I would suggest that we vote ''yes'' on H.R. 1955 so we can get the facts upon which we can plan for

prevention, not just taking care of the problem after it occurs.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. CARNEY), the chairman of our Management and Oversight Committee.

Mr. CARNEY. Madam Speaker, I would like to thank Chairman THOMPSON and certainly my good friend and colleague, Chairwoman HARMAN, for this legislation, and for our friends across the aisle. As a freshman, it's very instructive to watch what we can do in a bipartisan manner to protect this country. I do appreciate that. A lesson not lost on me, certainly.

This past May, six suspected terrorists were charged with conspiring to attack Fort Dix. Their goal was to bring about significant destruction and mass casualties to that critical military base. These six men lived less than an hour away from my home and trained right in the Pocono Mountains of northeast Pennsylvania.

In June of this year, four men were charged with plotting to attack civil aviation by blowing up jet fuel pipelines that serve JFK. In both cases the accused individuals planned, plotted, and attempted to perpetrate their crimes on American soil. More troubling is that, according to media reports, neither cell received any assistance or had any contact with al Qaeda or any other overseas terrorist group. These two recent events demonstrate the troubling presence of homegrown terrorism in the United States.

Members of such groups are indistinguishable from traditional terrorists in that they are radicalized and sympathize with the al Qaeda cause. However, that said, they undertake their terrorist plots without training or support from a central foreign terrorist group.

Given the civil rights and liberties protections that we enjoy as all Americans, the Federal Government must be creative in its approach to combating homegrown terrorism.

H.R. 1955, the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007, protects the civil rights and civil liberties of Americans and lawful permanent residents, while providing solutions for preventing future violent radicalization and homegrown terrorism.

The act creates a national commission to examine the cases of violent radicalization and homegrown terrorism. The commission will be tasked with proposing concrete recommendations and legislative strategies for mitigating these types of domestically nurtured threats.

The act also establishes Centers for Excellence for the Prevention of Radicalization that will study the social, criminal, political, psychological, and economic roots of the problem. Additionally, it will provide Homeland Security officials across the government with suggestions for preventing future radicalization and homegrown terrorism. It requires our Homeland Security officials to thoroughly examine the experiences of other nations that have experienced homegrown terrorism so that our government can learn from those experiences. I look forward to the passage of this vital piece of legislation and others that will make this Nation even more safe.

Mr. REICHERT. Madam Speaker, it is my privilege to yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT), the ranking member of the Emergency Communications, Preparedness and Response Subcommittee of the Homeland Security full committee.

Mr. DENT. Madam Speaker, I have to add my two cents' worth, that the same folks who were training up in the Poconos near Congressman CARNEY's home were training about an hour from my home as well, and we all, I think, realize the nature of this homegrown threat.

But I want to rise today to speak in support of H.R. 1955, the Violent Radicalization and Homegrown Terrorism Prevention Act.

Recently, U.S. intelligence and law enforcement officials have enjoyed a number of successes in the war against violent extremism. The plot to kill soldiers at Fort Dix, the attempt to disrupt the Kennedy Airport pipeline system, and last year's conspiracy to bring down the U.S./U.K. transatlantic flights, were all disrupted by good intelligence efforts and, as a result, lives were saved.

But we cannot rest on our laurels. After all, it is still al Qaeda's stated goal to kill 4 million Americans, to bring the United States to its knees, and to impose a system of radical violent Islamism upon the Middle East, and in fact the rest of the world. We need to protect ourselves from this threat to do everything we can in order to make sure that there are no future terrorist attacks on the homeland, and the Violent Radicalization and Homegrown Terrorism Prevention Act would help us certainly in this effort.

This bill's effectiveness is enhanced by the fact that it was put together in a spirit of bipartisan, much to the credit of the Chair, Ms. HARMAN. Earlier this year, the ranking member of the Homeland Security Committee's Intelligence, Information Sharing, and Terrorism Risk Assessment Subcommittee, Congressman DAVE REICHERT, introduced legislation, H.R. 1695, that forms the basis for the current bill, H.R. 1955. Chairwoman HARMAN and Ranking Member REICHERT have both actively supported the current bill, which was voted out of the Homeland Security Committee without opposition in August.

Also, this bill was the subject of numerous hearings, excellent hearings, much to the credit of both of them.

□ 1130

This bill can help us to stop the spread of violent radicalization that has helped terrorist groups to grow their rank-and-file membership. It creates a 10-member national commission, modeled after the 9/11 Commission, which will study radicalization and come up with recommendations for defusing its power and preventing its spread. It establishes a university-based center of excellence that will study this phenomenon in depth, and it encourages international cooperation to stop the spread of this violent extremism. It authorizes the Department of Homeland Security to work with nations such as the U.K. and Israel, countries that have had a lot of experience and success in dealing with violent extremism within their borders, to develop a ''best practices'' methodology that can be used to help prevent radicalization and to thwart ideologically based violence.

I hope that Members will join me in supporting this bipartisan legislation aimed at protecting us against violent extremism and at making us safer here in this country.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Madam Speaker, I thank Chairman THOMPSON and I want to thank Ms. HARMAN and Mr. REICHERT for conducting a number of hearings across the country to really focus our attention on what could be a very big problem if we don't get in touch with it right now.

As the global war on terror continues, America dedicates much of its resources to tracking foreign terrorists at home and abroad. But in recent years, we have seen a rise in the number of U.S.-born criminals inspired by, but not necessarily affiliated with, groups like al Qaeda. And we have had, from Ms. HARMAN and Mr. REICHERT and Mr. LUNGREN as well, a list of a number of incidents that we have seen recently.

It is vital that our Nation do what it can to understand the growing threat of homegrown terrorists and what we can do to prevent it. The Homegrown Terrorism and Violent Radicalization Act finally focuses attention on this matter. The bill establishes a national center of excellence to bring in the top minds in the world to explore the causes of radicalization. The legislation also enhances our international cooperation so we may learn from our allies who have extensive experience with homegrown terrorism.

But the centerpiece of this legislation is the establishment of a national commission to report to Congress the causes and preventive measures that we can take. The commission consists of academics, religious experts, counterintelligence officials, prison administrators, and many others with the experience provided for this input.

And I must make it clear this bill has strict oversight of the privacy officers within the Department of Homeland Security to ensure it respects personal and religious freedom.

As Americans, it is very difficult to understand why one of our citizens would want to terrorize his neighbors and countrymen. But it is a question we must face in order to protect our security. This bill tackles this head on, and I would like to thank our chairman and ranking member for bringing this bill forward.

Mr. REICHERT. Madam Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Florida, a member of the full Committee on Homeland Security (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of the Violent Radicalization and Homegrown Terrorism Prevention Act of 2007. This very important bill will play a key role in protecting our homeland.

As events abroad have taught us all too frequently, homegrown extremists and terrorists pose a serious and deadly threat to the general population. The recent attacks in Great Britain, as well as the foiled plot in Germany, prove that we must prevent the spread of violent radicalization within our own borders. They do it there; we certainly need to do more here.

Here at home our intelligence and law enforcement officials have done an exceptional job of keeping America safe from such threats. Over the last 1½ years, we have seen plots against the Sears Tower in Chicago, Ft. Dix in New Jersey, and JFK Airport foiled by our Nation's vigilant network of law enforcement and intelligence personnel.

The bill before us will serve to strengthen those homeland defense efforts by preventing ideologies that promote violence and terrorism from taking root in American soil.

We know that al Qaeda seeks to spread their evil philosophy everywhere, even into the minds of our own U.S. citizens. To combat radical Muslim extremists' ceaseless efforts at expansion, this bipartisan bill will create a commission to study violent radicalization and work with all levels of government both here and abroad to examine strategies to deal with this phenomena. This bill has an estimated cost of approximately $20 million. This number pales in comparison to the cost in human suffering and economic devastation a homegrown terrorist attack might bring.

As Americans, we must never give up fighting the forces of hate and violence espoused by al Qaeda, and I believe this bill is a valuable weapon in that struggle. I commend the chairwoman and Ranking Member REICHERT for their tenacity in bringing this bill to the floor, and I support it.

Mr. THOMPSON of Mississippi. Madam Speaker, at this time I have no further requests for time, and I reserve the balance of my time.

Mr. REICHERT. Madam Speaker, it is my pleasure to yield 3 minutes to the gentleman from Connecticut, who is a member of the full Committee on Homeland Security (Mr. SHAYS).

Mr. SHAYS. Madam Speaker, I thank my colleague for yielding to me.

Madam Speaker, I rise in support of H.R. 1955, the Violent Radicalization and Homegrown Terrorism Prevention Act, which I refer to as the Harman-Reichert bill. I appreciate that they have worked so well together on a bipartisan basis.

I like the fact that this legislation creates a 10-member national commission, modeled after the 9/11 Commission, to study violent radicalization and ideologically based terrorism in these United States.

Before September 11 we had the Hart-Rudman Commission, the Bremer Commission, the Gilmore Commission. They all told us the same basic point, that we have a terrorist threat and we need to recognize that threat, that we need a strategy to deal with this threat, and that we need to reorganize our government to implement the strategy.

Then came September 11, and we did wake up somewhat. We reorganized our government and created the Department of Homeland Security. We passed the PATRIOT Act. We reorganized our intelligence agencies and created a Director of Intelligence. And we are reforming the FISA law, but this is still an issue we are working with.

The 9/11 Commission did something very courageous. They didn't say we are confronting terrorism; they said we are confronting Islamist terrorists who would do us harm. I think it is absolutely important we pass this legislation to begin to know the effects of radical terrorism spreading throughout the entire world and working its way into the United States.

I believe with all my heart and soul that we have a level of recognition of the threat that pales in comparison to what the true threat is. I think this legislation will help awaken us a bit and help awaken others within our country that this threat must be dealt with.

We have a lot of issues that are important for our country to deal with, but our homeland security is on the top of the list. I urge passage of this legislation.

Mr. THOMPSON of Mississippi. Madam Speaker, I continue to reserve the balance of my time.

Mr. REICHERT. Madam Speaker, it is indeed my pleasure to yield 3 minutes to the gentleman from Georgia, who is a member of the full Committee on Homeland Security (Mr. BROUN).

Mr. BROUN of Georgia. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, homegrown terrorism is a very dangerous threat and must not be overlooked. The United States has an obligation and a solemn duty to guard against the violent radicalization of the American population, a radicalization that has far-reaching, devastating implications.

On September 11, 2001, the world saw firsthand the damage that Islamic extremists can do to the American people. As we look within our own population, there are individuals who promote ideologies under the guise of religion, political, and social benefits that are diametrically opposed to the American values and liberties that we hold so dear. Ideologies of any kind, religious or otherwise, that are based on violence, intolerance, and hatred have no place in America.

In the past 18 months, the United States law enforcement and intelligence agencies have stopped numerous individuals and groups that promote radical political, religious, or social beliefs from carrying out terrorist attacks on American soil. I, for one, would like to know how these individuals are operating and how they are funded. Are foreign entities providing the funding for their activities? Are these individuals who promote radical political ideologies registered as foreign agents? Perhaps we need to reexamine the Foreign Agents Registration Act of 1938. We need to be more proactive and strike at the roots of the problem.

The bill that we are discussing today, H.R. 1955, is proactive instead of reactive. Britain, Spain, France, and most recently Germany and Denmark have all suffered the deadly effects of a small radicalized population that often use religion as an excuse to engage in violence and murder. The United States, thanks in large part to its alert citizenry and professional law enforcement agencies, has prevented the successful execution of several recent domestic terror threats in New York, Chicago, Florida, and elsewhere.

Studying the causes of radicalization and ideologically based violence will better inform all of us how we can prevent terrorists from spreading their messages of hate.

The Violent Radicalization and Homegrown Terrorism Prevention Act is the work of a solid bipartisan cooperation at the subcommittee and full committee levels. Such cooperation is readily apparent as the current bill includes major aspects of H.R. 1695, Congressman REICHERT's PREVENT Act, which was designed to establish a National Commission on Radicalization. The nonpartisan commission envisioned by Representatives REICHERT and HARMAN will be dedicated to comprehensively examining the phenomenon of violent radicalization so that we might better understand its root causes within the United States.

I urge my colleagues to support this important timely, bipartisan piece of legislation.

Mr. REICHERT. May I inquire as to how much time I have left.

The SPEAKER pro tempore. The gentleman from Washington has 1½ minutes remaining.

Mr. REICHERT. I have no additional speakers.

Mr. THOMPSON of Mississippi. Madam Speaker, at this time I would

like to yield such time as she may consume to the chairman of the subcommittee, Ms. HARMAN.

Ms. HARMAN. Madam Speaker, how much time remains on this side, may I ask?

The SPEAKER pro tempore. The gentleman from Mississippi has 6 minutes remaining.

Ms. HARMAN. I assure the chairman I will just take a brief amount of time.

I want to note for the body that this has been an excellent debate. We are bipartisan, we are unanimous, everyone understands the problem, and everyone wants to solve the problem. It is extremely refreshing, and I have thoroughly enjoyed this debate.

I want to make two additional points. Number one, our bill was sequentially referred to the Judiciary Committee, and the Judiciary Committee agreed to report it for it to be brought up on the consent calendar. I would especially like to thank Chairman CONYERS for his cooperation and note that our staff, our excellent staff, worked out this agreement.

My second comment is that a companion bill, the identical text, has been introduced in the Senate, and referred to the Government Affairs Committee, which is the committee of jurisdiction there, and I hope that following passage here, should we be able to pass the bill today, there would be prompt action in the other body and we would have a law to send to the President to sign this fall.

In conclusion, this is a good process and I think an excellent result. It will make America more safe.

□ 1145

Mr. REICHERT. Madam Speaker, I just want to reemphasize the words of Chairwoman HARMAN, who just spoke. This really has been a bipartisan effort; we talk a lot about that on the Hill here. And this committee, working with Ms. HARMAN has been, indeed, a pleasure, traveling across the country to various locations, holding hearings on this topic.

It is important for the American people to know and understand and realize there really is truly a threat here within the borders of the United States of America, and how important it is for all of us to work together because Americans working together keep this country safe and protect the freedoms that we have all enjoyed, for me, 57 years of enjoying the freedoms of this blessed country. And I want the same things for my children and my grandchildren. I want them to enjoy the same freedoms that I've had the opportunities to enjoy. In order for us to do that, both sides of the aisle have to work closely together to make sure that we pass the laws, the legislation that will accomplish that great feat.

In reminding the American people what has happened in the past 18 months in this country, the Sears Tower in Chicago in 2006; a New York-New Jersey PATH tunnel in July of 2006; Chicago-area shopping mall, December of 2006; passengers aboard a transatlantic flight from the U.K. to the U.S.; soldiers at Fort Dix in New Jersey; JFK Airport's fueling systems and others, these have been terrorist acts that have been prevented, and we need to continue that effort. Passing this legislation will accomplish that.

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

Mr. THOMPSON of Mississippi. Madam Speaker, in closing, I urge my colleagues to join me in support of H.R. 1955. This vital legislation will put our Nation on the path to addressing an emerging threat, homegrown terrorism.

There is general agreement that the threat of foreign-based terrorist groups is real. We, as a Nation, have dedicated a great deal of resources to global counterterrorism. However, in some corners, there has been a kind of mindset about homeland security that believes we will be safe if we get the terrorists there before they get us here. It's the kind of mindset that ignores the fact that there are some would-be terrorists who are born here, raised and educated here, and only have lived here in the United States. For those of us who love this Nation, it is not the kind of thing that we want to acknowledge, but we must. Enactment of H.R. 1955 will put us on a course to understanding homegrown terrorism and coming up with strategies to reduce this major threat to the homeland.

Madam Speaker, I, also would like to pay tribute to the chairwoman of the committee for ushering this passage, as well as the ranking member of the committee. But I would also like to acknowledge that Ranking Member KING, who had an unfortunate death in his family, is not here. He has been a source of support for this legislation and has helped get us to this point, and I would like to acknowledge that for the record.

Madam Speaker, I urge passage of this legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 1955, the Violent Radicalization and Homegrown Terrorist Prevention Act of 2007, introduced by my distinguished colleague from California, Representative HARMAN. This important legislation recognizes the threat of homegrown terrorism and seeks to address this burgeoning problem while maintaining the civil rights and liberties of American citizens.

Since May of this year, two separate plots against strategic American targets have been foiled and prevented by American officials. What distinguishes them from previous terrorist plots against the United States is that the potential terrorists here have no contact with nor support from Al-Qaeda or any other overseas terrorist cells. America must be unique in its approach to homegrown terrorism, given the civil rights and civil liberties protections that are unique to America and enjoyed by all American citizens.

As a senior Member of the Committee on Homeland Security and Chair of the Subcommittee on Transportation Security and Infrastructure, I believe we can secure our homeland and remain true to our values simultaneously. The Muslim American community has grown in size and prominence, and is an integral part of the fabric of this Nation. Muslim Americans share the same values and ideals that make this Nation great. Ideals such as discipline, generosity, peace and moderation.

Many years of civil rights jurisprudence and law have been ignored and thrown out the window when the racial profiling, harassment, and discrimination of Muslim and Arab Americans is permitted to occur with impunity. These practices show a reckless and utter disregard for the fundamental values on which our country is founded: namely, due process, the presumption of innocence, nondiscrimination, individualized rather than group suspicion, and equitable application of the law. We cannot allow xenophobia, prejudice, and bigotry to prevail, and eviscerate the Constitution we are bound to protect.

The securing of our homeland and protection of our national security is on the forefront of my agenda. However, using 9/11 as an impetus to engage in racial profiling, harassment, and discrimination of Muslim and Arab Americans is not only deplorable, it undermines our civil liberties and impedes our success in the global war on terror. We must fight our war on terror without compromising our freedoms and liberties.

It is precisely for these reasons that I so strongly support H.R. 1955. This Act calls for the creation of the National Commission to examine the various causes of violent radicalization and homegrown terrorism in order to propose concrete and meaningful recommendations and legislative strategies in order to alleviate these threats. It also establishes a Center of Excellence for the Prevention of Radicalization and Home Grown Terrorism that will study the social, criminal, political, psychological and economic roots of the problem as well as provide homeland security officials across the government with suggestions for preventing radicalization and homegrown terrorism. Furthermore, it requires our homeland security officials to thoroughly examine the experiences of other nations that have experienced homegrown terrorism so that our government might learn from those experiences. As such, H.R. 1955 does more than merely address the current situation with regard to homegrown terrorism but also works to identify the causes behind the problem and address them as well.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 1955, as amended.

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

Mr. THOMPSON of Mississippi. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this question will be postponed.

SECURE HANDLING OF AMMONIUM NITRATE ACT OF 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1680) to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1680

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 ''Secure Handling of Ammonium Nitrate Act of 2007''.

SEC. 2. SECURE HANDLING OF AMMONIUM NITRATE.

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle J—Secure Handling of Ammonium Nitrate

"SEC. 899A. DEFINITIONS.

''In this subtitle, the following definitions apply:

''(1) The term 'ammonium nitrate' means—

''(A) solid ammonium nitrate that is chiefly the ammonium salt of nitric acid and contains not less than 33 percent nitrogen by weight; and

''(B) any mixture containing a percentage of ammonium nitrate that is equal to or greater than the percentage determined by the Secretary under section 899B(b).

''(2) The term 'ammonium nitrate facility' means any entity that produces, sells, or otherwise transfers ownership of, or provides application services for, ammonium nitrate.

''(3) The term 'ammonium nitrate purchaser' means any person who buys and takes possession of ammonium nitrate from an ammonium nitrate facility.

"SEC. 899B. REGULATION OF THE SALE AND TRANSFER OF AMMONIUM NITRATE.

''(a) IN GENERAL.—The Secretary shall regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility in accordance with this subtitle to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

''(b) AMMONIUM NITRATE MIXTURES.—The Secretary, in consultation with the heads of appropriate Federal departments and agencies, including the Secretary of Agriculture, shall, through notice and comment and by no later than 90 days after the date of the enactment of this subtitle, establish a threshold percentage for ammonium nitrate in a substance. If a substance contains a percentage of ammonium nitrate that is equal to or greater than the percentage established by the Secretary, the substance shall be treated as ammonium nitrate for the purposes of this subtitle.

''(c) REGISTRATION OF OWNERS OF AMMONIUM NITRATE FACILITIES.—

''(1) REGISTRATION.—The Secretary shall establish a process by which—

''(A) any person who is the owner of an ammonium nitrate facility is required to register with the Department; and

''(B) upon such registration, such person is issued a registration number for purposes of this subtitle.

''(2) REGISTRATION INFORMATION.—The Secretary shall require that each applicant for registration as the owner of an ammonium nitrate facility must submit to the Secretary—

''(A) the name, address, and telephone number of each ammonium nitrate facility owned by the applicant;

''(B) the name of the person designated by the owner of the ammonium nitrate facility as the point of contact of such facility, for purposes of this subtitle;

''(C) for each such facility, the amount of ammonium nitrate that is sold or transferred during each year; and

''(D) such other information as the Secretary may determine is appropriate.

''(d) REGISTRATION OF AMMONIUM NITRATE PURCHASERS.—

''(1) REGISTRATION.—The Secretary shall establish a process by which—

''(A) any person who seeks to be an ammonium nitrate purchaser is required to register with the Department; and

''(B) upon such registration, such person is issued a registration number for purposes of this subtitle.

''(2) REGISTRATION INFORMATION.—The Secretary shall require that each applicant for registration under this subsection as a prospective ammonium nitrate purchaser must submit to the Secretary the name, address, and telephone number of the applicant and the intended use of ammonium nitrate to be purchased by the applicant.

''(e) RECORDS.—

''(1) MAINTENANCE OF RECORDS.—The Secretary shall require the owner of an ammonium nitrate facility engaged in selling or transferring ammonium nitrate to—

''(A) maintain a record of each sale or transfer of ammonium nitrate, during the two-year period beginning on the date of such sale or transfer; and

''(B) include in such record the information described in paragraph (2).

''(2) SPECIFIC INFORMATION REQUIRED.—For each such sale or transfer, the Secretary shall require the owner of an ammonium nitrate facility to—

''(A) record the name, address, telephone number, and registration number issued under subsection (c) or (d) of each person that takes possession of ammonium nitrate from the owner of an ammonium nitrate facility, in a manner prescribed by the Secretary;

''(B) if applicable, record the name, address, and telephone number of each individual who takes possession of the ammonium nitrate on behalf of the person referred to in subparagraph (A), at the point of sale;

''(C) record the date and quantity of ammonium nitrate sold or transferred; and

''(D) verify the identity of the persons referred to in subparagraphs (A) and (B), as applicable, in accordance with a procedure established by the Secretary.

''(3) PROTECTION OF INFORMATION.—In maintaining records in accordance with paragraph (1), the owner of an ammonium nitrate facility shall take reasonable actions to ensure the protection of the information included in such records.

''(f) EXEMPTION FOR EXPLOSIVE PURPOSES.—The Secretary may exempt from this subtitle a person producing, selling, or purchasing ammonium nitrate exclusively for use as an explosive material under a license issued under chapter 40 of title 18, United States Code.

''(g) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Agriculture, States, and appropriate private sector entities, to ensure that the access of agricultural producers to ammonium nitrate is not unduly burdened.

''(h) DATA CONFIDENTIALITY.—

''(1) IN GENERAL.—Notwithstanding section 552 of title 5, United States Code, or the USA PATRIOT ACT (Public Law 107–56; 115 Stat. 272), and except as provided in paragraph (2), the Secretary may not disclose to any person any information obtained under this subtitle.

''(2) EXCEPTION.—The Secretary may disclose any information obtained by the Secretary under this subtitle to an officer or employee of the United States, or a person that has entered into a contract with the United States, who has a need to know the information to perform the duties of the officer, employee, or person, or to a State agency pursuant to section 899D, under appropriate arrangements to ensure the protection of the information.

''(i) REGISTRATION PROCEDURES AND CHECK OF TERRORIST WATCH LIST.—

''(1) REGISTRATION PROCEDURES.—

''(A) GENERALLY.—The Secretary shall establish procedures to efficiently receive applications for registration numbers under this subtitle, conduct the checks required under paragraph (2), and promptly issue or deny a registration number.

''(B) INITIAL SIX-MONTH REGISTRATION PERIOD.—The Secretary shall take steps to maximize the number of registration applications that are submitted and processed during the six-month period provided for in section 899F(e).

''(2) CHECK OF TERRORIST WATCH LIST.—

''(A) CHECK REQUIRED.—The Secretary shall conduct a check of appropriate identifying information of any person seeking to register with the Department under subsection (c) or (d) against identifying information that appears on the terrorist watch list.

''(B) AUTHORITY TO DENY REGISTRATION NUMBER.—If the person's identifying information appears on the terrorist watch list and the Secretary determines such person may pose a threat to national security, the Secretary may deny issuance of a registration number under this subtitle.

''(3) EXPEDITED REVIEW OF APPLICATIONS.—

''(A) IN GENERAL.—Following the six-month period provided for in section 899F(e), the Secretary shall, to the extent practicable, issue or deny registration numbers under this subtitle not later than 72 hours after the time the Secretary receives a complete registration application, unless the Secretary determines, in the interest of national security, that additional time is necessary to review an application.

''(B) NOTICE OF APPLICATION STATUS.—In all cases, the Secretary shall notify persons of the status of their application not later than 72 hours after the time the Secretary receives a complete registration application.

''(4) EXPEDITED APPEALS PROCESS.—

''(A) REQUIREMENT.—

''(i) APPEALS PROCESS.—The Secretary shall establish an expedited appeals process for persons denied a registration number under this subtitle.

''(ii) TIME PERIOD FOR RESOLUTION.—The Secretary shall, to the extent practicable, resolve appeals not later than 72 hours after receiving a complete request for appeal unless the Secretary determines, in the interest of national security, that additional time is necessary to resolve an appeal.

''(B) CONSULTATION.—The Secretary, in developing the appeals process under subparagraph (A), shall consult with appropriate stakeholders.

''(C) GUIDANCE.—The Secretary shall provide guidance regarding the procedures and information required for an appeal under subparagraph (A) to persons denied registration numbers under this subtitle.

''(5) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

''(A) IN GENERAL.—Information obtained by the Secretary under this section may not be made available to the public.

''(B) USE OF CERTAIN INFORMATION.—Any information constituting grounds for denial of a registration number under this section shall be maintained confidentially by the Secretary and may be used only for making determinations under this section. Notwithstanding any other provision of this subtitle, the Secretary may share any such information with Federal, State, local, and tribal law enforcement agencies, as appropriate.

''(6) REGISTRATION INFORMATION.—

''(A) AUTHORITY TO REQUIRE INFORMATION.—The Secretary may require a person applying for a registration number under this subtitle to submit such information as may be necessary to carry out the requirements of this section.

''(B) REQUIREMENT TO UPDATE INFORMATION.—The Secretary may require persons issued a registration under this subtitle to update registration information submitted to the Secretary under this subtitle, as appropriate.

''(7) RE-CHECKS AGAINST TERRORIST WATCH LIST.—

''(A) RE-CHECKS.—The Secretary shall, as appropriate, re-check persons provided a registration number pursuant to this subtitle against the terrorist watch list, and may revoke such registration number if the Secretary determines such person may pose a threat to national security.

''(B) NOTICE OF REVOCATION.—The Secretary shall, as appropriate, provide prior notice to a person whose registration number is revoked under this section and such person shall have an opportunity to appeal, as provided in paragraph (4).

''SEC. 899C. INSPECTION AND AUDITING OF RECORDS.

''The Secretary shall establish a process for the periodic inspection and auditing of the records maintained by owners of ammonium nitrate facilities for the purpose of monitoring compliance with such section or for the purpose of deterring or preventing the misappropriation or use of ammonium nitrate in an act of terrorism.

''SEC. 899D. ADMINISTRATIVE PROVISIONS.

''(a) COOPERATIVE AGREEMENTS.—The Secretary—

''(1) may enter into a cooperative agreement with the Secretary of Agriculture, or the head of any State department of agriculture or its designee involved in agricultural regulation, in consultation with the State agency responsible for homeland security, to carry out the provisions of this subtitle; and

''(2) wherever possible, shall seek to cooperate with State agencies or their designees that oversee ammonium nitrate facility operations when seeking cooperative agreements to implement the registration and enforcement provisions of this subtitle.

''(b) DELEGATION.—

''(1) AUTHORITY.—The Secretary may delegate to a State the authority to assist the Secretary in the administration and enforcement of this subtitle.

''(2) DELEGATION REQUIRED.—At the request of a Governor of a State, the Secretary shall delegate to the State the authority to carry out functions under sections 899B and 899C, if the Secretary determines that the State is capable of satisfactorily carrying out such functions.

''(3) FUNDING.—Subject to the availability of appropriations, if the Secretary enters into an agreement with a State under this subsection to delegate functions to the State, the Secretary shall provide to the State sufficient funds to carry out the delegated functions.

''(c) PROVISION OF GUIDANCE AND NOTIFICATION MATERIALS TO AMMONIUM NITRATE FACILITIES.—

''(1) GUIDANCE.—The Secretary shall make available to each owner of an ammonium nitrate facility registered under section 899B(c)(1) guidance on—

''(A) the identification of suspicious ammonium nitrate purchases or transfers or attempted purchases or transfers;

''(B) the appropriate course of action to be taken by the ammonium nitrate facility owner with respect to such a purchase or transfer or attempted purchase or transfer, including—

''(i) exercising the right of the owner of the ammonium nitrate facility to decline sale of ammonium nitrate; and

''(ii) notifying appropriate law enforcement entities; and

''(C) any such additional subjects as the Secretary determines are appropriate to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

''(2) USE OF MATERIALS AND PROGRAMS.—In providing guidance under this subsection, the Secretary shall, to the extent practicable, leverage any relevant materials and programs.

''(3) NOTIFICATION MATERIALS.—

''(A) IN GENERAL.—The Secretary shall make available materials suitable for posting at ammonium nitrate facilities where ammonium nitrate is sold.

''(B) DESIGN OF MATERIALS.—Such materials shall be designed to notify prospective ammonium nitrate purchasers of—

''(i) the record-keeping requirements under section 899B; and

''(ii) the penalties for violating such requirements.

''SEC. 899E. THEFT REPORTING REQUIREMENT.

''Any person who is required to comply with section 899B(e) who has knowledge of the theft or unexplained loss of ammonium nitrate shall report such theft or loss to the appropriate Federal law enforcement authorities within one calendar day of the date on which the person becomes aware of such theft or loss. Upon receipt of such report, the relevant Federal authorities shall inform State, local, and tribal law enforcement entities as appropriate.

''SEC. 899F. PROHIBITIONS AND PENALTY.

''(a) PROHIBITIONS.—

''(1) TAKING POSSESSION.—No person shall take possession of ammonium nitrate from an ammonium nitrate facility unless such person is registered under subsection (c) or (d) of section 899B, or is an agent of a person registered under subsection (c) or (d) of that section.

''(2) TRANSFERRING POSSESSION.—An owner of an ammonium nitrate facility shall not transfer possession of ammonium nitrate from the ammonium nitrate facility to any person who is not registered under subsection (c) or (d) of section 899B, unless such person is an agent of a person registered under subsection (c) or (d) of that section.

''(3) OTHER PROHIBITIONS.—No person shall—

''(A) buy and take possession of ammonium nitrate without a registration number required under subsection (c) or (d) of section 899B;

''(B) own or operate an ammonium nitrate facility without a registration number required under section 899B(c); or

''(C) fail to comply with any requirement or violate any other prohibition under this subtitle.

''(b) PROHIBITIONS.—No person shall—

''(1) buy and take possession of ammonium nitrate without a registration number required under subsection (c) or (d) of section 899B;

''(2) own or operate an ammonium nitrate facility without a registration number required under section 899B(c); or

''(3) fail to comply with any requirement or violate any other prohibition under this subtitle.

''(c) CIVIL PENALTY.—A person that violates this subtitle may be assessed a civil penalty by the Secretary of not more than $50,000 per violation.

''(d) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Secretary shall consider—

''(1) the nature and circumstances of the violation;

''(2) with respect to the person who commits the violation, any history of prior violations, the ability to pay the penalty, and any effect the penalty is likely to have on the ability of such person to do business; and

''(3) any other matter that the Secretary determines that justice requires.

''(e) NOTICE AND OPPORTUNITY FOR A HEARING.—No civil penalty may be assessed under this subtitle unless the person liable for the penalty has been given notice and an opportunity for a hearing on the violation for which the penalty is to be assessed in the county, parish, or incorporated city of residence of that person.

''(f) DELAY IN APPLICATION OF PROHIBITION.—Paragraphs (1) and (2) of subsection (a) shall apply beginning 6 months after the issuance by the Secretary of a final rule implementing this subtitle.

''SEC. 899G. PROTECTION FROM CIVIL LIABILITY.

''(a) IN GENERAL.—Notwithstanding any other provision of law, an owner of an ammonium nitrate facility who in good faith refuses to sell or transfer ammonium nitrate to any person, or who in good faith discloses to the Department or to appropriate law enforcement authorities an actual or attempted purchase or transfer, based upon a reasonable belief that the person seeking purchase or transfer of ammonium nitrate may use the ammonium nitrate to create an explosive device to be employed in an act of terrorism (as defined in section 3077 of title 18, United States Code), or to use ammonium nitrate for any other unlawful purpose, shall be immune from civil liability arising from that refusal to sell ammonium nitrate or from making that disclosure.

''(b) LIMITATION.—Subsection (a) shall not be construed to apply with respect to any refusal to sell or disclosure—

''(1) that violates—

''(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq); or

''(B) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); or

''(2) made on the basis that the person seeking purchase or transfer of ammonium nitrate is a veteran or member of the armed forces of the United States.

''SEC. 899H. PREEMPTION OF OTHER LAWS.

''(a) OTHER FEDERAL REGULATIONS.—Except as provided in section 899G, nothing in this subtitle affects any regulation issued by any agency other than an agency of the Department.

''(b) STATE LAW.—Subject to section 899G, this subtitle preempts the laws of any State to the extent that such laws are inconsistent with this subtitle, except that this subtitle shall not preempt any State law that provides additional protection against the acquisition of ammonium nitrate by terrorists or the use of ammonium nitrate in explosives in acts of terrorism or for other illicit purposes, as determined by the Secretary.

''SEC. 899I. DEADLINES FOR REGULATIONS.

''The Secretary—

''(1) shall issue a proposed rule implementing this subtitle within six months after the date of the enactment of this subtitle; and

''(2) issue a final rule implementing this subtitle within one year after such date of enactment.

''SEC. 899J. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle for fiscal years 2007 through 2011.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title VIII the following new items:

''Subtitle J—Secure Handling of Ammonium Nitrate

''Sec. 899A. Definitions.
''Sec. 899B. Regulation of the sale and transfer of ammonium nitrate.
''Sec. 899C. Inspection and auditing of records.
''Sec. 899D. Administrative provisions.
''Sec. 899E. Theft reporting requirement.
''Sec. 899F. Prohibitions and penalty.
''Sec. 899G. Protection from civil liability.
''Sec. 899H. Preemption of other laws.
''Sec. 899I. Deadlines for regulations.
''Sec. 899J. Authorization of appropriations.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this bill and include therein any extraneous material.

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

There was no objection.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 1680, the Secure Handling of Ammonium Nitrate Act of 2007.

The committee has worked vigilantly to get this bill to where it is today. In fact, we've been working on this bill in a bipartisan way for two Congresses now.

We all know the devastating impact that fertilizer bombs can have. Over 12 years ago, domestic terrorists used an ammonium nitrate-based bomb to blow up the Murrah Federal Building in Oklahoma City. That blast had a force equal to that of 4,000 pounds of TNT. It killed 168 people.

Since that time, ammonium nitrate-based bombs have repeatedly been used throughout the world. In 2002, a group linked to al Qaeda detonated a bomb outside a night club in Bali, Indonesia, killing 202 people. In 2003, an al Qaeda cell in Istanbul killed 57 people in two separate explosions. Last year, Canadian authorities arrested 17 people in Toronto for plotting to attack targets with ammonium nitrate-based bombs.

This threat is real, Madam Speaker. To do nothing about it is unacceptable. However, I have always believed that we must act in a thoughtful manner that recognizes the importance of ammonium nitrate in our agricultural sector.

I am proud of the work that the Committee on Homeland Security has done. The committee has worked hard to ensure that H.R. 1680 strikes the right balance between ensuring access to ammonium nitrate for farmers and making it difficult for terrorists to obtain.

Specifically, this bill directs DHS, in consultation with State agricultural authorities, to create a registry of facilities that manufacture and sell ammonium nitrate. H.R. 1680 requires the sales of ammonium nitrate to be limited to purchasers who register in advance and that the name, address, telephone number and registration number of the purchaser be recorded.

The tracking and registration functions are not new phenomena. The agriculture and fertilizer industry and some States have been engaged in voluntary programs to monitor sale of ammonium nitrate for some time. In fact, Madam Speaker, a handful of States, including New York, California, New Jersey, Nevada, Oklahoma, Missouri, South Carolina, Maryland, Michigan, and Iowa have enacted laws regulating the sale of ammonium nitrate-based fertilizer.

The time has come to put Federal rules in place to ensure that terrorists cannot cross State lines to buy ammonium nitrate without being registered or checked against the terrorist watch list.

Madam Speaker, I am proud to say that our committee has worked collaboratively with industry stakeholders in the agriculture industry on this legislation. We consulted State and local farm bureaus, fertilizer manufacturers and retail outlets, and mining and explosive makers. It is reassuring to know that we can all come together to come up with a reasonable approach to regulating ammonium nitrate.

I have somewhat of a vested interest in getting this right, Madam Speaker. There is an ammonium nitrate plant in my district. The Terra Yazoo City plant has been in operation for more than 50 years. The Terra plant is a major economic engine in our local economy, providing good-paying jobs and stable jobs for the community.

The Terra facility and many others like it across the country are committed to safeguarding ammonium nitrate, but they cannot do it alone. The Federal Government needs to show some leadership here. That is why H.R. 1680 directs DHS to take the lead in coming up with an approach to registering ammonium nitrate purchases.

I am pleased that through this bipartisan effort we've been able to come up with an approach to tighten control of ammonium nitrate, yet allow it to remain accessible for crop nutrition purposes.

This legislation is another of our ongoing homeland security efforts at preventing a future terrorist attack on our Nation.

I would like to thank subcommittee Chairman LANGEVIN, Ranking Member KING, and others, for their leadership on this critical issue. Each has put their mark on the bill through the committee process. Their efforts, without question, made this a better bill.

I urge my colleagues to join me in supporting H.R. 1680.

Madam Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, a vote on this legislation is long overdue. The need to regulate ammonium nitrate has been evident since the bombing of the Alfred Murrah building in 1995. This legislation is needed to protect Americans from those who seek to utilize this dangerous chemical in terrorist attacks. But as the chairman said, we must balance this threat to our Nation's security with the need for ammonium nitrate to remain accessible because it is a highly effective agricultural fertilizer and has other legitimate uses in industries like mining.

The legislation before us creates a system of regulation so that ammonium nitrate is available for legitimate use, but does not fall into terrorist hands; a system that keeps us safe, but does not burden farmers. I believe this legislation strikes that balance.

We originally took up this legislation in the 109th Congress and we approved it in the Committee on Homeland Security. But the 109th Congress ended before this legislation could be considered on the House floor, so I'm happy to see this legislation before us again in the 110th Congress. And I thank the chairman for bringing it to us at this time.

H.R. 1680 is a bipartisan bill. We worked with our colleagues across the aisle to strengthen the prevention of terrorism component of this bill by insisting on a registration requirement for those who purchase ammonium nitrate rather than just those who sell it.

We were happy to see the committee accept three Republican amendments to this bill. I introduced an amendment which requires the Department of Homeland Security to check the name of applicants for ammonium nitrate registration numbers against terrorist watch lists. This will prevent suspected terrorists from acquiring this deadly material and will alert law enforcement authorities of potential plots under way.

Other Republican amendments provide civil liability protection for the sellers of ammonium nitrate in the event they refuse to sell ammonium nitrate to suspect purchasers or make reports to law enforcement about suspect purchasers. No seller of ammonium nitrate should be afraid to deny sale of this dangerous material out of fear of legal action.

Ammonium nitrate is a legitimate chemical used to fertilize our crops; but its availability, accessibility, ease of bomb-making, cost, and history of prior use make it an obvious material for large explosives that could be employed in terrorist attacks.

We need only to look back in recent history to understand that ammonium nitrate can be the terrorist tool of choice: the al Qaeda bombings of U.S. embassies in Kenya and Tanzania in 1998; in November 2003 scores of individuals killed when terrorists detonated ammonium nitrate bombs in Istanbul; in March 2005 British anti-terror police seized a half ton of ammonium nitrate from suspects accused of being affiliated with Islamic terrorists; later that month, over 3,000 pounds of ammonium nitrate was stolen by armed terrorists in Thailand; the arrests last summer, June 2006, of 17 people in Canada on charges that they were planning on using ammonium nitrate to make an extremely powerful bomb.

□ 1200

Al Qaeda has an Internet hit on how to make ammonium nitrate bombs. An ABC News team last fall demonstrated

how easy it might be to acquire ammonium nitrate. With just $300, ABC interns managed to purchase 1,000 pounds of ammonium nitrate in 2 days in farm supply stores from North Carolina to the District of Columbia. No one questioned why they needed ammonium nitrate. No one asked for their identification. That ammonium nitrate was stored in a public storage facility just a few miles from where we stand today.

These events have demonstrated vulnerabilities that put us in the crosshairs of terrorist sights right where we live, work and travel. Here in the U.S., a few of our States, including California, have already begun to implement laws to secure the handling of ammonium nitrate. The chemical and farming industry developed important protections in their respective industries to keep this substance out of the hands of terrorists.

These are important efforts, but it creates a patchwork where all a terrorist has to do to build a ammonium nitrate bomb is to travel from New York to Pennsylvania to acquire it. Congress needs to step in to set a national policy. This legislation does just that. It sets a floor across the Nation so that ammonium nitrate is used as intended, that is, to grow our Nation's crops, not to create the next Oklahoma City bombing. We believe fair and proportionate regulations will allow ammonium nitrate to continue to be available to legitimate users who are not a security concern while at the same time preventing and deterring its acquisition by those who wish to do us harm.

By supporting H.R. 1680, we will take another step in upholding our responsibility to protect the lives and livelihood of our American citizenry.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. PERLMUTTER), a distinguished member of our committee.

Mr. PERLMUTTER. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in strong support of House bill 1680, the Secure Handling of Ammonium Nitrate Act. On many of the 728 farms in my district and those throughout the country, hardworking farmers rely on ammonium nitrate as a trusted fertilizer that can produce more nutrients than natural fertilizers, but by its very chemical nature, ammonium nitrate is also a substance that, if mixed with certain fuels, can be used as a powerful explosive. The Oklahoma City bombing of 1995 is perhaps the most notable and frightening example of ammonium nitrate's potential. Therefore, we must do all we can to prevent criminals and murderers from obtaining this legal substance while maintaining easy access for our Nation's farmers.

The Secure Handling of Ammonium Nitrate Act creates a national registry to monitor the purchase and sale of ammonium nitrate. It further matches the names of applying farmers against the terrorist screening database so we can keep ammonium nitrate out of terrorists' hands. In particular, I am pleased to have worked with Mr. LUNGREN and with others throughout the committee to craft an expedited appeals process for farmers who have been adversely affected by the name check process. The Department of Homeland Security must either approve or deny an application within 3 days. If someone is denied a registration number under the program, they may appeal and get a resolution from the government within 3 days. The provision ensures that farmers who are misidentified do not jeopardize their livelihoods due to a governmental mistake. This is a commonsense bill that guaranties that ammonium nitrate in our country is being used for legitimate agricultural purposes and not for harm.

Mr. Speaker, I urge my colleagues to adopt this bill.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania (Mr. DENT), a member of the Homeland Security Committee.

Mr. DENT. Mr. Speaker, if there is an example of how legislation should be crafted, the Secure Handling of Ammonium Nitrate Act of 2007 is it. This is a great bill that will help to improve our homeland security. And if it should succeed on the floor today, its passage will be a tribute to the spirit of bipartisanship that is alive and well in the Homeland Security Committee and that has been carefully cultivated under the leadership of that committee's chairman, the gentleman from Mississippi (Mr. THOMPSON), its ranking member (Mr. KING), and certainly Mr. LUNGREN, to my immediate left, who have all worked very hard to work in that bipartisan environment on the committee.

The bill started out in the 109th Congress where it was introduced by former Congressman Curt Weldon of Pennsylvania. Unfortunately, while it passed in the Homeland Security Committee, it was never addressed in the full House. Fortunately, in 2007, Chairman THOMPSON recognized the importance of this legislation and helped revive the bill in the new Congress. Both sides worked together to make sure that the bill accomplished its objective, to keep ammonium nitrate out of the hands of Timothy McVeighs and other would-be terrorists of the world while making sure that legitimate end users of the substance in agricultural production were not inconvenienced. An en bloc amendment offered by Chairman THOMPSON, for example, removed the requirement that farmers and others register with the Department of Homeland Security so long as they never come into possession of the ammonium nitrate.

In addition to protecting the rights of legitimate end users, the chairman also helped make sure that the final legislative product had input from both sides of the aisle. Three key Republican amendments were added to the bill during committee markup as a result. First, offered by my colleague from California (Mr. LUNGREN), directed applications by those seeking to distribute or utilize ammonium nitrate be checked against a terror watch list with an expedited appeals process to handle any cases of mistaken hits. Ranking Member KING also offered an amendment that would protect legitimate distributors of ammonium nitrate if they act in good faith when they refuse to sell to a suspicious purchaser or if they notify the department of that would-be purchaser's suspicious behavior. Finally, Congresswoman BROWN-WAITE offered an amendment that would help to streamline record-keeping requirements for agricultural retail outlets. These amendments have all served to strengthen the bill.

The need for this legislation is clear. Ammonium nitrate has been the explosive material of choice in a number of acts and attempted acts of terrorism, including the 1995 bombing of the Murrah Federal Building in Oklahoma City which killed 168 innocent men, women and children. The 1998 attacks on the U.S. Embassies in Kenya and Tanzania, the Toronto-based bomb plot thwarted by the Royal Canadian Mounted Police in June 2006, of course, most recently, the attempts by a terrorist group in London to detonate explosive charges throughout the United Kingdom.

I hope the House will see fit to join me in supporting this effective legislation. It is a very bipartisan piece of legislation. Again, I would like to thank my colleague from California for yielding me this time and thank him for his leadership on this issue.

Mr. THOMPSON of Mississippi. Mr. Speaker, at this time, I do not have any additional requests for speakers, and I am prepared to close.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, let me just use the balance of my time to say that I thank the chairman for the work he has done on bringing this to the floor at this time so we can complete action with the Senate and get it to the President's desk to be signed. I would also like to mention the ranking member of the full committee (Mr. KING) who could not be here because he is still returning from the funeral for his mother who passed away this past week. Mr. KING has done tremendous work on this, particularly the amendment for liability protection for the sellers of ammonium nitrate if they act in good faith to protect the American people. Mr. KING has done yeoman work in this regard to this and other bills. I hope that we would recognize that at this time.

Again, Mr. Speaker, this is an example of a bipartisan approach to an issue that affects all Americans, Democrat, Republican, independent, whatever. It

is of the utmost importance. And once again, I thank all the members, Democrat and Republican, who worked on this, and I thank my chairman for bringing this to the floor and allowing us to vote on this time. I would ask for Members to have full support for this bill.

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

Mr. THOMPSON of Mississippi. Mr. Speaker, as DHS Secretary Michael Chertoff recently said, improvised explosive devices are the weapon of choice for terrorists. And when it comes to making an improvised bomb, regrettably, ammonium nitrate seems to be an easy access to use. That is why I authored the Secure Handling of Ammonium Nitrate Act. It will put safeguards in place to keep ammonium nitrate out of the hands of terrorists while ensuring that farmers can still access it. Ammonium nitrate fertilizer is a popular fertilizer because it is relatively inexpensive and highly effective.

In 2005 alone, 1.4 million short tons of ammonium nitrate fertilizer was used to direct application to farmers' fields. Passage of H.R. 1680 will ensure that ammonium nitrate will remain available to those who need to access it for proper purposes. At the same time, passage of this bill is an important step toward ensuring that our Nation is more secure against the threat of improvised explosive devices.

I, too, would like to acknowledge the work of the minority committee as well as Colleen O'Keefe, who will be leaving the committee today. Karis Gutter on this side, has worked on the majority side on the committee, and I would like to acknowledge both of them. At an earlier comment, I referred to Ranking Member KING's unfortunate tragedy in his family and why he was not here. So I would like to join with the comments of Mr. LUNGREN in that respect.

Mr. Speaker, I urge my colleagues to join me in passing this critical homeland security legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 1680, legislation critical to securing our nation against further acts of terrorism. I am proud to co-sponsor this legislation, which I believe effectively balances necessary measures to provide additional security with the need to protect our agricultural industry .

On September 11th, 2001, our enemies demonstrated their ability to use everyday objects as deadly weapons. Ammonium nitrate is a product of great use to our nation's agricultural sectors, but, in the hands of terrorists, could cause America great harm. Like the airplanes flown into buildings, fertilizer bombs have been used to deadly effect, beginning infamously with the 1995 Oklahoma City bombing. We need to balance these very real security concerns against the vital value of ammonium nitrate fertilizer to the U.S. plant food industry, its many local retail agribusiness outlets, and the farmers and livestock producers they serve.

Ammonium nitrate fertilizes our nation's crops, and it helps the American economy grow. It provides a relatively inexpensive source of the nitrogen required to grow crops, and it has economic, agronomic, and environmental benefits to the entire society. It can also, however, be used to create explosive devices, as demonstrated by the Oklahoma City bombing as well as by subsequent terrorist plots in 2000, 2002, 2003, and 2004.

According to a 1998 National Research Council report, "Containing the Threat From Illegal Bombings," short of a method of neutralizing the explosive properties of ammonium nitrate, which we do not yet have, commercial controls and regulatory action "offer the best means of reducing the threat from illegal bombings."

H.R. 1680 will require the creation of these controls and regulations. This bill will provide the Department of Homeland Security with the authority to develop a nationally consistent, effective, and integrated approach to control access to ammonium nitrate, and it will require the Department to develop a regulatory system aimed at keeping these fertilizers away from those who would use it to threaten our nation. Under the provisions of this legislation, the Department of Homeland Security will register all producers, sellers, and purchasers of ammonium nitrate, and those who purchase and take custody of this product will be required to provide their names, addresses, and telephone numbers to the Department. All of these individuals will be accountable for any ammonium nitrate they take possession of.

In addition, this legislation will require producers and sellers to maintain records of all sales and transfers for at least three years. Sellers will have the right to refuse sale to prevent misappropriation of this potentially dangerous substance, and they will be provided with guidance on identifying suspicious activity, as well as how to alert law enforcement officials to such behavior. Additionally, producers and sellers will be required to report any loss or theft to law enforcement within 24 hours.

This legislation also provides further means for enforcement, establishing a process for the Department to track, monitor, and audit the ammonium nitrate records. Under the provisions of this bill, enforcement may be delegated to States where cooperative agreements and sufficient funding exist. To punish violations, the Department may levy civil fines of up to $50,000. This legislation does not preempt or alter any State statute providing additional protection against ammonium nitrate falling into the hands of terrorists.

Yet in our counterterrorism efforts we should not lose sight of the need to protect the American farmer, especially small farmers struggling to make ends meet on the family farm. Ammonium nitrate is an essential tool they use to sustain themselves and their families and those essential needs should not be overlooked. Our counter-terrorism efforts should not be detrimental to the continued availability of ammonium nitrate fertilizer to U.S. farmers, endangering their way of life and threatening their livelihoods.

H.R. 1680 offers an opportunity to strengthen our defenses against the threat of terrorism without placing an extraordinary burden on industry. This legislation has the support of The Fertilizer Institute, an industry group representing most fertilizer producers.

Mr. Speaker, as our nation's leaders, it is our responsibility to be proactive, and to make every effort to remain several steps ahead of any who might attack our country. This bill is an opportunity to do just that, to not wait for another devastating attack to address what we already recognize to be a serious security threat. I strongly support this legislation, and I urge my colleagues to do likewise.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 1680, as amended.

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

The title was amended so as to read: "A bill to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes.".

A motion to reconsider was laid on the table.

TO ELIMINATE THE EXEMPTION FROM STATE REGULATION FOR CERTAIN SECURITIES DESIGNATED BY NATIONAL SECURITIES EXCHANGES

Mr. MEEKS of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2868) to eliminate the exemption from State regulation for certain securities designated by national securities exchanges, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2868

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

SECTION 1. SCOPE OF EXEMPTION FROM STATE SECURITIES REGULATION.

Section 18(b)(1) of the Securities Act of 1933 (15 U.S.C. 77r(b)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "or the American Stock Exchange, or listed, or authorized for listing, on the National Market System of the Nasdaq Stock Market (or any successor to such entities)" and inserting ", the American Stock Exchange, or the Nasdaq Stock Market (or any successor to such entities)"; and

(B) by inserting before the semicolon the following: ", except that a security listed, or authorized for listing, on the New York Stock Exchange, the American Stock Exchange, or the Nasdaq Stock Market (or any successor to such entities) shall not be a covered security if the exchange adopts listing standards pursuant to section 19(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)) that designates a tier or segment of such securities as securities that are not covered securities for purposes of this section and such security is listed, or authorized for listing, on such tier or segment"; and

(2) in subparagraph (B), by inserting "covered" after "applicable to".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentleman from New York (Mr. FOSSELLA) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mr. MEEKS of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have been a major advocate of making sure that America maintains its global competitive edge whether it is in business or human development. America must stay at the forefront of innovation, productivity and expertise. No matter how economically, militarily or culturally strong a Nation has become, it will certainly begin its decline when it rests on the laurels of its past accomplishments and ceases to stay ahead of the competition.

H.R. 2868 was introduced by me and my good friend and colleague from New York, VITO FOSSELLA, toward the goal of maintaining America's competitive business advantage. Although Mr. FOSSELLA and I may be on opposite sides of the aisle, we stand in the same space when it comes to our support for American businesses and American markets.

Recently, Mayor Michael Bloomberg of New York City and Senator CHARLES SCHUMER commissioned a study on ''Sustaining New York's and the U.S.'s Global Financial Services Leadership.'' In the executive summary of that study, it states, ''The U.S. financial markets, with New York at the center, are still the world's largest and are among the most important by many measures.''

The United States is home to more of the world's top financial services institutions than any other country. Six of the top 10 financial institutions by market capitalization are based in the New York area, and U.S.-based firms still head the global investment banking revenue rankings.

In terms of global financial stock, the United States remains the largest market, well ahead of Europe, Japan and the rest of Asia, although the financial stock in other regions is now growing faster than it is here in the United States. The United States generates more revenues from financial services than any other region. But once again, the rest of the world is challenging that leadership in a hotly contested investment banking and sales and trading markets.

□ 1215

To sum up that paragraph with a phrase that Satchel Paige is known for: ''Don't look back. Someone might be gaining on you.''

To further quote the study, the study says: ''The choice of venue for IPOs offers the most dramatic illustration of the interplay between these factors. The world's corporations no longer turn primarily to stock exchanges in the United States, such as the New York Stock Exchange or NASDAQ, to raise capital internationally.'' It continues to say: ''The IPO market offers other examples of jurisdictional arbitrage working against the United States, with very small-cap companies in the United States increasingly favoring London's Alternative Investment Market over NASDAQ,'' and I add here the American Stock Exchange. ''American private equity firms are choosing to list on European exchanges.''

Mr. Speaker, in this study, leading financial services executives who were interviewed indicated that ''the legal environment and regulatory framework in particular were critical to potential issuers considering whether to enter the U.S. markets.'' The implementation of Sarbanes-Oxley was part of the United States regulatory framework that was cited as a concern for issuers in considering the markets in which they would list.

This is why earlier this year I introduced H.R. 1508, the COMPETE Act of 2007, to improve the implementation of section 404 of Sarbanes-Oxley. My office has worked closely with the PCAOB and the SEC to review and discuss the regulatory reforms of SOX. We hope it will improve the implementation of the law.

Toward continuing my efforts to improve our regulatory environment, H.R. 2868 will make a technical change to the 1996 National Securities Market Improvement Act that would allow the American Stock Exchange and NASDAQ to offer a tier 2 level listing if they so choose. This would allow these exchanges to compete more directly with the London Alternative Investment Market and the Toronto Stock Exchange. It will help us keep our competitive advantage and lead.

Mr. Speaker, I would also like to thank Chairman FRANK for moving this bill through the committee. I would also like to give special thanks to my cosponsor, Mr. FOSSELLA, for the work of his office, particularly Ryan McKee. I also want to thank Lawranne Stewart and Deborah Silberman of Mr. FRANK's staff, and of course Mr. Jameel Johnson, my chief of staff.

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

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

Mr. Speaker, let me at the outset thank my colleague from New York (Mr. MEEKS) without whom this legislation would not be possible. As he has mentioned, while we are on opposite sides of the aisle, we share the common goal of ensuring that the U.S. remain the envy of the world when it comes not just to capital markets but also the place where people can come, investors can come, entrepreneurs can exist and find capital and make this country even better and stronger.

Of course, we share the common purpose of representing the greatest city in the world, New York, which has always been and shall continue to be the financial capital of the world. I would also like to thank the chairman of the committee, Mr. FRANK, and especially the ranking member, Mr. BACHUS, for bringing this bill to the floor, again, without whom this would not be possible.

Over the past year or more there has been a new and rightly placed focus on the competitiveness of the United States capital markets. As emerging international markets continue to grow, the natural and historical attraction to the U.S. capital markets has given way to the considerations of a broader scale. In short, the U.S. is no longer the only game in town.

Over the past several years, as my good friend Mr. MEEKS has indicated, several reports have been published that argue the regulatory and legal environment in the U.S. serve as negative considerations when market participants choose where to raise capital or headquarter a global business. With new markets popping up across the globe, investors and businesses now have more options, and increasingly we are seeing them choose alternatives to the U.S., such as Hong Kong, Singapore, and London.

We have seen an increasing number of U.S. companies, in particular small companies, raise capital on foreign exchanges, in particular, London's Alternative Investment Market, or, as known commonly, AIM. Clearly, the United States remains the global financial leader. Overall, I believe we can be optimistic about the future growth and success of the American capital markets. However, in a constantly evolving and ever-innovative global marketplace, we cannot take our leadership for granted, nor ignore indicators that the U.S. competitive edge is diminishing. As lawmakers, we have a critical responsibility to ensure the U.S. remains at the forefront of the financial markets.

Strong capital markets are not a success realized by Wall Street and investment bankers exclusively. Strong markets mean jobs, economic growth and retirement security for people across the United States. We cannot control the evolution of overseas markets or their ability to compete in a global marketplace, nor should we want to. What we can control, however, is our ability to respond and to adapt to changing circumstances with innovation and flexibility that will allow our markets and market-makers to maintain their competitive edge.

This bill, the Small Cap Competitive Listing Act, is an important and reasonable step toward achieving that goal. In order to compete in an increasingly global and highly competitive marketplace, exchanges both domestic and international have developed additional listing tiers, with lower listing standards to expand opportunities for

smaller companies. Particularly for small cap companies, an opportunity to list on a developmental tier is an important component to their ability to raise the capital necessary to grow their business and to continue to innovate.

Mr. Speaker, in 1996, Congress passed the National Securities Market Improvement Act in an effort to streamline the regulatory process and eliminate duplication. Common sense. This act included an important provision that granted preemption from State security regulation to the national exchanges: the New York Stock Exchange, NASDAQ, and the American Stock Exchange. Because these listings were national in scope on the major U.S. exchanges, Congress deferred regulation to the Securities and Exchange Commission. However, as the markets have evolved, that legislation has created a legislative barrier to the establishment of developmental tiers on national exchanges.

Because developmental tiers have less stringent listing standards, securities offered on those exchanges should in fact be subject to State regulatory oversight in addition to the SEC oversight. The legislation provides the national exchanges a legislative pathway that currently exists for regional domestic exchanges and foreign exchanges to offer a marketplace for small cap companies. By allowing the national exchange to establish this new tier, it will grant small cap companies a new alternative to London's AIM market and to other marketplaces that may be less regulated and less transparent.

This legislation represents sound policy. It puts all of our domestic exchanges on equal footing and removes a roadblock to progress. In addition, the bill represents an important approach to addressing American competitiveness. It grants the flexibility to develop new offerings without creating a regulatory race to the bottom. These new tiers would be subject to State security regulations, and any proposed new listing will be subject to oversight and approval from the SEC. Additionally, investor protections are upheld. As public companies, small cap companies seeking to list on a developmental tier will be required to fully comply with U.S. securities laws.

Let me just say in closing, Mr. Speaker, I want to thank Mr. MEEKS. We here in Congress, regardless of our party affiliation or where we are from, know that this country is the engine of the world, and we want to keep it such. We understand that financial markets, in particular the securities industry, is a vital component of our national economy.

And it is not just about Wall Street. As mentioned, many of us, whether you are from Queens, Brooklyn or Staten Island, many of our constituents benefit from a vibrant financial service industry. Much of that tax revenue disproportionately in New York City goes to fund schools and parks and roads. This is just a small way in which we can maintain that competitive edge, give entrepreneurs and small companies the opportunity to access our capital markets, put us on equal footing to compete with London's AIM and other emerging market exchanges across the world, and understand that the American people, the American businessman and woman, can compete with anyone if given the tools and the barriers are diminished.

Mr. Speaker, I have no speakers. Mr. MEEKS, thank you very much. As well, I would like to add my thanks to his staff and that of Mr. FRANK, Mr. BACHUS, and on my staff, Ryan McKee, and urge my colleagues to adopt the underlying legislation.

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

Mr. MEEKS of New York. Mr. Speaker, again, I would like to thank Mr. FOSSELLA for all of his hard work, because that is what we are talking about. We are talking about basically the backbone of America has always been its small businesses. So when we have these firms, we want them to invest and grow their businesses right here in the United States of America.

It makes great sense, because as they are investing and expanding their businesses, it creates jobs for Americans. When you look at the services, the financial services in particular, that is where the jobs are being created, that is where we are the most competitive, and that is where we have got to stay and keep our competitive edge. It makes great sense for us to make sure that tomorrow continues to be the great day for our financial services industry, because it is the key to the economic security, as well as to the jobs of tomorrow for many of our young people.

Mr. Speaker, I urge all of my colleagues to vote for this bill. It makes great sense, and it helps us maintain the competitive edge and helps us maintain being the financial capital of the world.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of H.R. 2868, bipartisan legislation that would enhance the competitiveness of U.S. capital markets by allowing exchanges to establish developmental tiers to expand listing opportunities in the U.S. for smaller companies.

H.R. 2868 would remove the barrier to creating developmental listing tiers on several of the major exchanges in the U.S. by amending Section 18 of the National Securities Markets Improvement Act (NSMIA). Under the bill, all securities listed on a developmental tier would be subject to Securities and Exchange Commission (SEC) oversight and state blue-sky regulations in an effort to uphold investor protections.

Right now, the inability to develop an additional, developmental tier can be a significant impediment to an exchange's ability to compete in the global marketplace. These barriers make our markets less competitive for small cap listings and can drive companies to list outside the United States.

London's Alternative Investment Market (AIM) for example, is attracting capital worldwide and recruiting U.S. IPO's. According to a recent International Herald Tribune report, companies listed on London's AIM raised $30 billion in capital in 2006. The exchange has tripled its number of listed companies to 1,640 since 2000, with about one-third of them international. A total of 63 companies worth about $11 billion are from the United States—the highest representation on AIM.

The U.S. must take the necessary steps to maintain our capital markets as the premiere choice for companies large and small, within our country and throughout the world. The New York Stock Exchange (NYSE) previously offered a developmental tier through Arca, but is currently in the process of getting out of that business, while the AMEX has expressed an interest in developing a second tier.

I am proud to co-sponsor H.R. 2868, which was introduced by my esteemed colleagues from New York, Congressman MEEKS and Congressman FOSELLA. I urge all of my colleagues to support this important legislation, level the playing field, and ensure our domestic exchanges can compete in the global marketplace.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 2868, as amended.

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

A motion to reconsider was laid on the table.

JOSHUA OMVIG VETERANS SUICIDE PREVENTION ACT

Mr. FILNER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 327) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Joshua Omvig Veterans Suicide Prevention Act''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as ''PTSD'') is a serious problem; and

(2) the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act.

SEC. 3. COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.

(a) IN GENERAL.—

(1) COMPREHENSIVE PROGRAM FOR SUICIDE PREVENTION AMONG VETERANS.—Chapter 17 of

title 38, United States Code, is amended by adding at the end the following new section:

"§ 1720F. Comprehensive program for suicide prevention among veterans

''(a) ESTABLISHMENT.—The Secretary shall develop and carry out a comprehensive program designed to reduce the incidence of suicide among veterans incorporating the components described in this section.

''(b) STAFF EDUCATION.—In carrying out the comprehensive program under this section, the Secretary shall provide for mandatory training for appropriate staff and contractors (including all medical personnel) of the Department who interact with veterans. This training shall cover information appropriate to the duties being performed by such staff and contractors. The training shall include information on—

''(1) recognizing risk factors for suicide;

''(2) proper protocols for responding to crisis situations involving veterans who may be at high risk for suicide; and

''(3) best practices for suicide prevention.

''(c) HEALTH ASSESSMENTS OF VETERANS.—In carrying out the comprehensive program, the Secretary shall direct that medical staff offer mental health in their overall health assessment when veterans seek medical care at a Department medical facility (including a center established under section 1712A of this title) and make referrals, at the request of the veteran concerned, to appropriate counseling and treatment programs for veterans who show signs or symptoms of mental health problems.

''(d) DESIGNATION OF SUICIDE PREVENTION COUNSELORS.—In carrying out the comprehensive program, the Secretary shall designate a suicide prevention counselor at each Department medical facility other than centers established under section 1712A of this title. Each counselor shall work with local emergency rooms, police departments, mental health organizations, and veterans service organizations to engage in outreach to veterans and improve the coordination of mental health care to veterans.

''(e) BEST PRACTICES RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on best practices for suicide prevention among veterans. Research shall be conducted under this subsection in consultation with the heads of the following entities:

''(1) The Department of Health and Human Services.

''(2) The National Institute of Mental Health.

''(3) The Substance Abuse and Mental Health Services Administration.

''(4) The Centers for Disease Control and Prevention.

''(f) SEXUAL TRAUMA RESEARCH.—In carrying out the comprehensive program, the Secretary shall provide for research on mental health care for veterans who have experienced sexual trauma while in military service. The research design shall include consideration of veterans of a reserve component.

''(g) 24-HOUR MENTAL HEALTH CARE.—In carrying out the comprehensive program, the Secretary shall provide for mental health care availability to veterans on a 24-hour basis.

''(h) HOTLINE.—In carrying out the comprehensive program, the Secretary may provide for a toll-free hotline for veterans to be staffed by appropriately trained mental health personnel and available at all times.

''(i) OUTREACH AND EDUCATION FOR VETERANS AND FAMILIES.—In carrying out the comprehensive program, the Secretary shall provide for outreach to and education for veterans and the families of veterans, with special emphasis on providing information to veterans of Operation Iraqi Freedom and Operation Enduring Freedom and the families of such veterans. Education to promote mental health shall include information designed to—

''(1) remove the stigma associated with mental illness;

''(2) encourage veterans to seek treatment and assistance for mental illness;

''(3) promote skills for coping with mental illness; and

''(4) help families of veterans with—

''(A) understanding issues arising from the readjustment of veterans to civilian life;

''(B) identifying signs and symptoms of mental illness; and

''(C) encouraging veterans to seek assistance for mental illness.

''(j) PEER SUPPORT COUNSELING PROGRAM.—(1) In carrying out the comprehensive program, the Secretary may establish and carry out a peer support counseling program, under which veterans shall be permitted to volunteer as peer counselors—

''(A) to assist other veterans with issues related to mental health and readjustment; and

''(B) to conduct outreach to veterans and the families of veterans.

''(2) In carrying out the peer support counseling program under this subsection, the Secretary shall provide adequate training for peer counselors.

''(k) OTHER COMPONENTS.—In carrying out the comprehensive program, the Secretary may provide for other actions to reduce the incidence of suicide among veterans that the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1720F. Comprehensive program for suicide prevention among veterans.''.

(b) REPORT TO CONGRESS.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the comprehensive program under section 1720F of title 38, United States Code, as added by subsection (a).

(2) CONTENTS OF REPORT.—The report shall contain the following:

(A) Information on the status of the implementation of such program.

(B) Information on the time line and costs for complete implementation of the program within two years.

(C) A plan for additional programs and activities designed to reduce the occurrence of suicide among veterans.

(D) Recommendations for further legislation or administrative action that the Secretary considers appropriate to improve suicide prevention programs within the Department of Veterans Affairs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, before I introduce the author of the legislation, I just want to say in introduction, unfortunately, suicide prevention has become a major part of our responsibilities to both active duty and our veterans.

It is a terrible statistic, Mr. Speaker, but as many Vietnam veterans have now committed suicide as died in the original war. That is over 58,000. We have to do as a Nation a better job. The Army just announced recently that the suicide rate among active duty and recently discharged has now reached Vietnam proportions. So we have to do a far better job and we intend to do that.

The author of the original legislation, Mr. BOSWELL from Iowa, saw this very clearly and introduced this bill.

Mr. Speaker, one of the top priorities of the Committee on Veterans' Affairs in this Congress is to address the needs of our returning servicemembers. The House passed H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act, on March 21st of this year. I'm pleased the Senate also made it a priority to act on this important legislation. I believe the bill shows a clear compromise in our efforts to provide help to those in need.

One of the most pressing issues facing our men and women is mental health care. I believe that if we send our men and women off to war, we must, as a nation, do all we can to address their health care needs when they return. We cannot ask them to fight and then forget them when they return from battle. Veterans suffer a higher risk of suicide than the general population. The stress of combat, combined with the stigma that exists for servicemembers and veterans seeking mental health care services can have disastrous consequences.

We must do everything possible to improve the VA's mental health services, and its ability to detect, and help, those veterans most at risk. H.R. 327 will provide the important tools to assist the VA in strengthening suicide prevention, education, and awareness programs within the VA by mandating a comprehensive program for suicide prevention among veterans.

I thank my colleague Mr. BOSWELL for introducing this bill, and I thank my colleagues for their support.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. I thank the chairman for yielding.

Mr. Speaker, this is a very important moment for our veterans as we think of their service to our country. Of course, we all wouldn't be here, I believe, I think we would agree with that, if it wasn't for our veterans, who have been willing to put it on the line.

Mr. Speaker, as Chairman FILNER has spoken here, this legislation came up after a very tragic thing. Joshua Omvig, returning after an 11-month tour, a good young fellow, a member of the Grundy Center Volunteer Fire Department, the Grundy Center Police Reserves, he was concerned about the safety of others, but because of the situation, he took his life.

I can't help but be thoughtful of Ellen, his mother.

□ 1230

She would like to have had more training. She knew there was a problem, and so did his dad. She was with Josh when he went out to his pickup truck that day to go to work to try to talk to him, to try to help. And he took his life right in her presence.

Well, they could have just kind of backed off in their great grief and sorrow and done nothing, but we reached out to them and they reached back. They want to participate in doing something for others. And so out of that came what is now known as H.R. 327. It is pretty simple: Improve early detection for incidence of suicide among veterans, provide those veterans

with the assistance they need, which was not there for Joshua.

This bill also requires the Veterans Administration to develop a comprehensive program to address the rate of suicide among veterans. And it also underscores the importance for further research, peer counseling, family education and involvement, and education for all staff at the Veterans Administration. There is an urgent need for this bill to pass.

You have heard the report that Mr. FILNER gave us. The statistics are astounding. Stress disorder has jumped like 70 percent.

Also, I want to thank our two Iowa Senators, Senator HARKIN and Senator GRASSLEY, for their support; and I especially want to thank Randy and Ellen Omvig, the mom and dad of Joshua. They have suffered a lot over this, as we all would. But at the same time, they found the courage and strength to want to help others and want to reach out. They want to do anything they can possibly do to prevent this from happening to another individual and another family.

It is almost with relief for me, Mr. Speaker, that we are passing this today and moving it on because we know there are hundreds of other veterans out there who need help, and this ought to set that in motion. There is no doubt there is more we can do, but this is a good beginning. With that, I would like to yield back and let other Members speak to this very important piece of legislation.

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

Mr. Speaker, I rise in support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act as amended by the Senate. I also want to thank Mr. BOSWELL for his hard work in bringing this forward.

H.R. 327 was originally passed by the House unanimously in March. The legislation was slightly modified by the Senate to ensure that referrals for mental health counseling and treatment considered the request of the veteran concerned.

Preventing suicide among our veterans is a top priority of this Congress and the Nation. The Veterans Health Administration estimates there are 1,000 suicides per year among veterans receiving VA health care, and as many as 5,000 per year among all living veterans. These are alarming statistics.

H.R. 327, as amended, establishes requirements for a multifaceted VA suicide prevention plan that strengthens early detection measures, staff education initiatives, and counseling and treatment assistance to reach out and help at-risk veterans to prevent suicides among those who have so bravely served our Nation.

VA has already begun to implement a national suicide prevention lifeline as required by this legislation. The hotline became operational in July of this year. Veterans experiencing thoughts of suicide can call 1–800–273–TALK (8255) for help. The first call, according to the VA, was received on July 25. Since that time and through September 1, as a result of calls to the suicide prevention hotline, 346 callers were referred to a VA suicide prevention coordinator, and there were 56 rescues.

Mr. Speaker, H.R. 327, as amended, is important legislation that responds to the need to strengthen suicide prevention, education and awareness programs within the VA. I urge my colleagues to support H.R. 327, as amended.

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

Mr. FILNER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HARE).

Mr. HARE. Mr. Speaker, I rise today in strong support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act.

I would like to express my heartfelt appreciation to the family of Joshua, both for their tireless efforts to pass this legislation and for their son's brave service to our Nation.

Too many soldiers are returning from the battlefield with hidden injuries. According to the Department of Defense, 60,000 troops have been diagnosed with posttraumatic stress disorder or traumatic brain injuries. Sadly, only a small number of our veterans receive or seek the help that they need.

H.R. 327 strengthens cooperation between the Departments of Defense and Veterans Affairs, it creates a comprehensive program to screen veterans for mental health and suicide risk factors, and increases training for suicide prevention.

This bill is the first step in ensuring that we treat the psychological wounds of our troops by improving mental health coordination and our outreach to veterans. I urge all of my colleagues to join me in voting for H.R. 327.

Mr. BOOZMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to express my overwhelming support for H.R. 327. This bill addresses a glaring need for mental health support at the Department of Veterans Affairs.

Medical personnel easily identify and treat physical injuries related to combat. However, more difficult to identify are those brave men and women that bear the mental scars of war. Posttraumatic stress disorder is a very real and potentially deadly condition if not properly treated.

The reality is we as a Nation ask a great deal of the men and women who serve in our Armed Forces. They deal with extreme conditions, heavy body armor and separation from their families. In addition, these soldiers are constantly looking over their shoulders not knowing when or where the next attack or IED will come from. Many times, they witness firsthand the deaths of those they serve beside.

Under these extreme conditions, it is no wonder that those who have served so bravely come home and find it very difficult to put these experiences behind them. PTSD is gaining more attention, and rightly so.

As a member of the House Veterans Affairs' Committee, we are seeing more servicemembers returning home with these types of stress disorders. If not properly treated, those suffering from PTSD may turn to drugs or alcohol to cope. Some may even take their life.

That is why the Joshua Omvig Suicide Prevention Act is such an important piece of legislation. It ensures when a veteran is having trouble with any mental illness they have a place to turn. It ensures that at each VA medical facility there is a designated suicide prevention counselor who will engage in community outreach to veterans and improve the coordination of mental health services.

The bill also makes available mental health care 24 hours a day, 7 days a week. There is also a toll-free hotline for veterans staffed by appropriate mental health personnel.

In conclusion, Mr. Speaker, H.R. 327 provides a necessary service to our Nation's veterans, and I would urge all of my colleagues to support this measure.

Mr. FILNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the chairman of the VA Committee for yielding me this time.

I rise in strong support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act. I listened to what Mr. BOSWELL had to say. He is the prime sponsor of the bill. I heard him in committee and I heard him again on the floor, and I appreciate so much the fact that he has brought this to Congress' attention. And a special thank you to Joshua's family and his parents. I am not sure if my child had committed suicide after his service in Iraq that I would have the strength to not only go on as they have, but to try to bring PTSD to the attention of the American people and actually do something about it.

I want to share why this is important to me and why I am supporting this bill. More than 1,600 Nevada veterans have returned from serving in Iraq and Afghanistan. Many of these brave men and women suffer from PTSD. Nationally, one in five veterans returning from Iraq and Afghanistan are suffering from PTSD; 35 percent have been diagnosed with some sort of mental disorder. It is vital that our veterans receive the help they need to deal with this condition.

A few years ago a constituent of mine, Lance Corporal Justin Bailey, returned from Iraq with some physical injuries as well as a diagnosis of PTSD. He struggled with addiction to legal prescription and illegal drugs. After consultation with his parents, he checked himself into the West L.A. VA facility where he was given five additional prescription drugs, including

methadone, without proper oversight. The next day, the man was dead.

I can't understand, it is incomprehensible to me why a facility would give anyone with a substance abuse problem a 30-day supply of medication unsupervised under a self-medication policy. This devastating loss of life could have been and should have been prevented. This is a systemic problem in our VA system, and that's why this issue needs immediate attention.

One other quick story, if you can call it a story. About a month ago I called a grandmother in Pahrump, Nevada. It is a small town outside of Las Vegas. Her grandson lived with her. He came home from his first tour of duty in Iraq, and he was messed up mentally. He was suffering from PTSD. It was apparent to anybody who spoke to him. He didn't want to go back. He felt he couldn't handle it. He was emotionally and physically drained, and he begged not to go back.

So the military's response was they gave him Prozac because he was depressed and they sent him back to the front lines in Iraq. The day he got back to Iraq, he blew his brains out. That is a very difficult thing to come to grips with if you are the grandmother of a grandson who begged you not to let him go back to Iraq.

We have problems with PTSD. It is imperative that we provide adequate mental health services for those who have and are currently sacrificing for our great Nation. This bill takes a step in the right direction in providing our veterans with the health care they have earned.

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

Mr. FILNER. Mr. Speaker, I yield 2 minutes to Mr. WALZ of Minnesota.

Mr. WALZ of Minnesota. Mr. Speaker, I thank Chairman FILNER for his strong support of this piece of legislation and to all members of the committee. Mr. BOOZMAN has been a strong supporter of our veterans, and I appreciate the support for this piece of legislation.

Mr. BOSWELL so clearly illustrated the need for this piece of legislation. I urge my colleagues to stand in support of this compromise that has come back from the Senate, and thank Senator HARKIN for moving it towards us.

As I spoke on this piece of legislation in March, the numbers show that veterans' suicide and mental health issues are urgent issues that require Congress' immediate attention. Although veterans make up 10 percent of our population, one in five people who commits suicide in the United States is a veteran.

A full 35 percent of our veterans returning from Iraq are seeking counseling for mental health issues within the first year. PTSD is fast becoming a signature injury of the wars in Iraq and Afghanistan, and the Veterans' Affairs Committee has seen in countless hearings that the need to expand care is there.

H.R. 327 will meet this need. By directing the Department of Veterans Affairs to offer mental health screening to veterans, providing education to VA staff, contractors and medical personnel, and making available 24-hour mental health care for veterans who are at risk, we will alleviate some of these hardships.

I urge my colleagues to support this legislation because of the critical service it will provide. Although we often have bitter debates in this House and are deeply divided over issues like the war in Iraq, there is one issue that we all agree on and has the potential to unite us and this Nation, and that is the care for our veterans. No one in this body questions the incredible sacrifice each of the veterans has made on behalf of the United States. And no one questions the responsibility that we have in Congress to provide them with the resources and the help necessary to live healthy and prosperous lives.

With this legislation, the 110th Congress will again demonstrate its commitment on behalf of our veterans.

Mr. BOOZMAN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FILNER. Other Members from the State of Iowa want to express support for the Iowa family that helped inspire this legislation. I would yield 2 minutes to the gentleman from Iowa (Mr. BRALEY).

(Mr. BRALEY of Iowa asked and was given permission to revise and extend his remarks.)

□ 1245

Mr. BRALEY of Iowa. Mr. Speaker, I thank the gentleman for the opportunity to address this very important issue, and I want to congratulate and thank my colleague and friend, Congressman BOSWELL, for his persistence in seeing this bill to its conclusion and, again, thank the ranking member for the bipartisan support for this bill.

One of the most moving experiences I've had in this body is standing on the floor when we first spoke about this bill and heard overwhelming support and great personal testimony from people on both sides of the aisle.

I want to put a human face on the bill we are talking about. This is Joshua Omvig, and these are his parents, Randy and Ellen Omvig. I've known Randy and Ellen for almost 20 years. They're warm, caring, decent Iowans who loved their son and who are with us here in spirit as this bill makes its final journey through Congress on its way to the White House.

Joshua was a brave young man who served in a military police unit in Davenport, Iowa, which is in the First District that I happen to represent, and Joshua's face has become a national face for the issue and the crisis that brings us here today.

People who deal with post-traumatic stress disorder, especially PTSD involving veterans, will tell you this is the hidden combat wound. When these veterans return with PTSD, they can be walking on the streets of your city, your town, your community; and you will not know that they are suffering because of the nature of the disease.

What's even more significant is that people suffering from PTSD are frequently the last people to know they've got a problem, and that's why this bill is so important, so that people coming back and veterans who are suffering from PTSD get the resources, the early screening and the early prevention and intervention necessary to make a difference in their lives and to save the next Joshua Omvig who faces this struggle without the necessary resources and support.

I'm proud to be part of this overwhelming bipartisan effort in the House of Representatives to take care of our wounded veterans, our aging veterans, and our new veterans coming back from Iraq and Afghanistan. You've heard the statistics about the overwhelming nature of this problem among current combat veterans. That's why this bill is so important, and I ask my colleagues to join me today.

I rise to speak in support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act. I am proud to be an original cosponsor of this crucial legislation, introduced by my friend and colleague from Iowa, Congressman BOSWELL, and I am very pleased that the Senate has acted and that the House is again passing this bill today.

Named in honor of 22–year-old Joshua Omvig, an Army Reservist from Iowa who tragically took his own life after serving an 11–month tour of duty in Iraq, this legislation is an essential and overdue step in ensuring adequate mental health care for our troops who return home from serving in combat zones. The need for this legislation could not be more urgent, as more and more soldiers are returning home from Iraq and Afghanistan suffering from PTSD, TBI, and other combat-related mental health problems.

This bill is very near to my heart, as I know Joshua's parents, Randy and Ellen Omvig, very well. It is my hope that the passage of this bill in the House today means that the tragic death of their son will not be in vain.

I would like to thank Congressman BOSWELL for his leadership on this bill, and the Omvigs for their tremendous advocacy and commitment. I urge all of my colleagues to vote in favor of this bill today, and I urge President Bush to swiftly sign this bill into law so that we can give all of our returning veterans—who have sacrificed so much for our country—the mental health care and treatment that they deserve.

Mr. FILNER. Mr. Speaker, I would like to yield 2 minutes to another gentleman from Iowa (Mr. LOEBSACK) to add his support.

Mr. LOEBSACK. Thank you, Chairman FILNER, and thank you, Congressman BOSWELL, Congressman BRALEY, and Congressman BOOZMAN, for your bipartisan support on this bill.

I rise today in strong support of H.R. 327, the Joshua Omvig Suicide Prevention Act.

This bill was one of the very first bills that I cosponsored as a new Member of Congress, and I did so because I

believe we have a moral obligation to care for those who have worn our country's uniform. Indeed, just yesterday, early yesterday, I visited the mental health unit at our military hospital in Landstuhl, Germany.

The incidence of suicide among our Nation's veterans is indeed staggering. In fact, it has reached the highest rate in 28 years, and we've already heard about Joshua Omvig, himself one of Iowa's own.

By directing the VA to implement screening, counseling, and other mental health services for returning veterans, this legislation will reach those who are most in need of our help.

I urge the passage of this legislation, and I urge the President to quickly sign it into law so that these vital mental health services can reach our Nation's veterans.

Mr. FILNER. We have no further speakers except my closing, if the gentleman would like to close.

Mr. BOOZMAN. Mr. Speaker, again, I want to thank Congressman BOSWELL for his hard work in bringing this forward, Chairman FILNER, Ranking Member BUYER, Mr. MICHAUD, Mr. MILLER, all of them for reaching a compromise with the Senate as we go forward on this.

I think this is a great example that out of a terrible tragedy something good can happen, and we've heard the story of this young guy, and because of his tragedy, because of that family's tragedy, hopefully in putting programs like this in place we will help other families, other individuals, other service men not go through this and prevent future tragedies.

So, again, I urge my colleagues to vote ''yes'' and urge the President to sign this so that we can go forward completely.

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

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 327, as amended.

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

There was no objection.

Mr. FILNER. Mr. Speaker, I want to thank Mr. BOSWELL for his ongoing support.

As a Nation, in the name of Joshua Omvig and for his family and for all the families who have suffered from suicide, we have got to do a better job as a Nation. We have just got to do a better job. We know what will happen if we fail.

Vietnam veterans have paid a heavy price for our refusal to look at mental health as important as physical health, for our refusal to look into the souls of our young veterans and recognize that they are crying out for help.

So we have to get this right, and this is a good step in doing it.

Again, I thank Mr. BOSWELL and all the Iowa Representatives for taking a tragedy that befell Joshua Omvig and his family and turning it into a positive that will help all of us in America achieve better health care for our veterans.

I urge my colleagues to support H.R. 327.

Mr. LATHAM. Mr. Speaker, I rise in strong support of the Joshua Omvig Veterans Suicide Prevention Act. I first want to thank my friend and colleague LEONARD BOSWELL for his service to our Nation, and his efforts to bring this legislation forward on behalf of Iowa veterans. I was pleased to be an original cosponsor of this legislation when it was introduced.

The bill contains many important provisions to ensure that the VA health system is better equipped to identify soldiers at risk for suicide and respond with appropriate counseling and care. The bill also mobilizes federal government agencies to pool their expertise on this issue in order to identify the best strategies for suicide prevention.

The bill is named in honor of SPC Joshua Omvig, who served his country as part of the Army Reserve 339th Military Police Company from Davenport, IA. A little over a year after his return from a tour in Iraq, Joshua Omvig took his own life on December 22, 2005. While his death was tragic, we are grateful for his service to our Nation.

Our soldiers encounter enormous stress and mental health challenges in the course of their duties. We have a crucial obligation to do all we can to ensure that our veterans are given proper care and to prevent such tragedies from occurring.

No one has done more to secure our Nation's freedom than our veterans and military personnel. Their sacrifice and service must be matched with greater commitment to them on our part. With that, I urge my colleagues to support H.R. 327.

Mr. EMANUEL. Mr. Speaker, today I rise in strong support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act. As our soldiers continue to defend our country's freedom overseas, it is imperative that we at home continue to recognize their sacrifice by providing them with the support and services that they have earned.

H.R. 327 is named after an Iraq veteran Joshua Omvig, a 22-year-old Army Reservist who served honorably in Iraq, but returned home unable to cope with his memories of the war. Only months after his return from Iraq, he committed suicide.

The story of Joshua Omvig is not an isolated occurrence. In 2004, a study conducted by the New England Study of Medicine concluded that over 15 percent of veterans returning from a year in Iraq met screening criteria for major depression, generalized anxiety, or post traumatic stress disorder. Today, our soldiers are serving much longer than a single year and are returning from combat with severe psychological trauma.

H.R. 327 implements a comprehensive program that takes into consideration the special needs of veterans who are at high risk of depression and experience high rates of suicide. By directing and training the staff of Veterans Affairs in the proper screening, monitoring, and tracking of veterans, this legislation will lead to earlier diagnosis for those who may be prone to suicide.

Mr. Speaker, we have a responsibility to support our Nation's veterans. I stand in strong support of H.R. 327, and I encourage my colleagues to join me in voting for the Joshua Omvig Suicide Prevention Act.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act.

Mr. Speaker, the measures in this bill are designed to reduce the alarming incidence of suicides among our vets. According to a recent study conducted by Portland State University, male U.S. military veterans are twice as likely to commit suicide as men who haven't served in the armed forces. The report is a painful reminder of why we must adopt the measures outlined in this bill to assist our military personnel returning from Afghanistan and Iraq.

The Portland State study followed 320,000 men over age 18 for 12 years collecting data on those who participated in the National Health Interview Survey. The researchers found that men who had served in the military at some time between 1917 and 1994 were twice as likely to die from suicide than men in the general population. In addition, veterans who committed suicide were more likely to be older, white, better educated, and married. But the report offered few clear indicators for the high suicide rates. That in part is the purpose of this legislation—to locate the root cause of the high suicide rates and to reverse the situation.

There are approximately 25 million veterans in the United States, and 5 million veterans who receive care within the Veteran's Health Administration (VHA). Based on CDC data, VHA mental health officials estimate 1000 suicides per year among veterans receiving care with VHA and as many as 5000 per year among all living veterans.

Representative BOSWELL'S bill is a bipartisan effort to get at the root of this troubling trend and to find solutions.

This bill requires the Veterans Administration to consider the special needs of veterans who suffer from post traumatic stress disorder and mandates the development and implementation of a comprehensive program to reduce the incidence of suicide among all veterans.

The bill accomplishes this by requiring that appropriate Veterans Administration staff are able to recognize risk factors for suicide and are aware of the proper protocols and best practices for responding to crisis situations involving veterans who may be at high risk.

The legislation also requires the designation of a suicide prevention counselor at each department medical facility and authorizes the availability of 24-hour mental health care; a hotline, staffed with trained mental health personnel; and expanded outreach and education services for veterans and their families.

We must put an end to this tragedy affecting the many vulnerable men and women who have worn our country's uniform and who serve this country proudly today. I believe this legislation is an important step in that direction, and I am happy to support it.

Mr. SHULER. Mr. Speaker, I rise today in support of H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act, which will expand suicide-prevention services to our nation's veterans.

Joshua Omvig was an Army Reservist who committed suicide in 2005 after serving his

Nation in Iraq. My thoughts and prayers are with the family of this fallen hero, who have responded to this tragedy by championing efforts to improve mental health care for returning war veterans.

It is widely understood that suicide among veterans suffering from post-traumatic stress disorder (PTSD) is a serious and pressing problem facing our veterans' community. Our Nation's men and women returning from service abroad deserve the highest quality care that this Nation can provide, including access to top quality mental health programs.

H.R. 327 directs the Secretary of Veterans Affairs to take a comprehensive approach to combating the negative long-term effects of PTSD.

Specifically, this Act requires the Secretary of Veterans Affairs to develop a program that includes screening for suicide risk factors for veterans receiving medical care at all Department facilities, referral services for at-risk veterans for counseling and treatment, designation of a suicide prevention counselor at each Department facility, a 24-hour veterans' mental health care availability, peer support counseling, and mental health counseling program for veterans who have experienced sexual trauma while in military service.

I ask my colleagues to join me in supporting this measure to improve suicide-prevention programs through the Department of Veterans Affairs. I commend the House and Senate Veterans' Affairs Committee for their hard work on this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 327.

The question was taken.

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

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

The yeas and nays were ordered.

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

CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1808) to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1808

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

SECTION 1. FINDINGS.

Congress finds the following:

(1) Charlie Norwood volunteered for service in the United States Army Dental Corps in a time of war, providing dental and medical services in the Republic of Vietnam in 1968, earning the Combat Medical Badge and two awards of the Bronze Star.

(2) Captain Norwood, under combat conditions, helped develop the Dental Corps operating procedures, that are now standard, of delivering dentists to forward-fire bases, and providing dental treatment for military service dogs.

(3) Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war.

(4) Dr. Norwood provided military dental care at Fort Gordon, Georgia, following his service in Vietnam, then provided private-practice dental care for the next 25 years for patients in the greater Augusta, Georgia, area, including care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid.

(5) Congressman Norwood, upon being sworn into the United States House of Representatives in 1995, pursued the advancement of health and dental care for active duty and retired military personnel and dependents, and for veterans, through his public advocacy for strengthened Federal support for military and veterans' health care programs and facilities.

(6) Congressman Norwood co-authored and helped pass into law the Keep our Promises to America's Military Retirees Act, which restored lifetime healthcare benefits to veterans who are military retirees through the creation of the Department of Defense TRICARE for Life Program.

(7) Congressman Norwood supported and helped pass into law the Retired Pay Restoration Act providing relief from the concurrent receipt rule penalizing disabled veterans who were also military retirees.

(8) Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia, and succeeded in maintaining and increasing Federal funding for the center.

(9) Congressman Norwood maintained a life membership in the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars.

(10) Congressman Norwood's role in protecting and improving military and veteran's health care was recognized by the Association of the United States Army through the presentation of the Cocklin Award in 1998, and through his induction into the Association's Audie Murphy Society in 1999.

SEC. 2. DESIGNATION OF CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

(a) DESIGNATION.—The Department of Veterans Affairs Medical Center located at 1 Freedom Way in Augusta, Georgia, shall after the date of the enactment of this Act be known and designated as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the medical center referred to in subsection (a) shall be considered to be a reference to the Charlie Norwood Department of Veterans Affairs Medical Center.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

I'm going to allow the author of the legislation, Mr. KINGSTON, to go into the career of our good friend Charlie Norwood.

I just want to say that we all loved him as a Member. I didn't know he had this incredible career in the United States Army in the dental corps, and I will let you go through that, but it was a very incredible story of his devotion to our Nation.

We saw his heart and soul here. He always wanted to take care of veterans, and I'm pleased to support your motion to name the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the Charlie Norwood Department of Veterans Affairs Medical Center.

Mr. FILNER. Mr. Speaker, I rise today to offer my support of H.R. 1808, a bill to name the VA Medical Center in Augusta, Georgia, after our former colleague, Charlie Norwood.

Charlie Norwood served as a Captain in the United States Army from 1967 to 1969, beginning with an assignment to the U.S. Army Dental Corps at Sandia Army Base in Albuquerque, New Mexico. In 1968 he was transferred to the Medical Battalion of the 173rd Airborne Brigade in Vietnam and served a combat tour at Quin Yon, An Khe, and LZ English at Bon Son.

During his tour, he participated in experimental military dental practices that are now standard procedure for the armed forces. Captain Norwood was one of the first participants in the Army's outreach program that delivered dentists to forward fire bases in lieu of transferring patients to rear treatment areas. He provided some of the first field-based dental treatment of military guard dogs, and assisted in non-dental trauma care in Mobile Army Surgical Hospitals.

In recognition of his service under combat conditions, he was awarded the Combat Medical Badge and two Bronze Stars. After Vietnam, Captain Norwood was assigned to the Dental Corps at Fort Gordon, Georgia, where he served until his discharge in 1969.

He remained a member of The American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars until his death. H.R. 1808 would name the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center''.

Naming a VA facility after this hero and strong veterans advocate is a proper honor for an honorable soldier.

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

Mr. BOOZMAN. Mr. Speaker, H.R. 1808, a bill to designate the VA Medical Center in Augusta, Georgia, as the ''Charlie Norwood Department of Veterans Affairs Medical Center,'' would honor one of our colleagues who was taken from us all too soon.

Charles ''Charlie'' Whitlow Norwood, Jr., was born on July 27, 1941. A Georgia native, Charlie Norwood attended Georgia Southern University in Statesboro, Georgia, and Georgetown University in Washington, and was a dentist prior to serving in the House of Representatives.

Charlie Norwood served as a captain in the United States Army from 1967 to

1969, beginning with an assignment in the U.S. Army Dental Corps at Sandia Army Base in Albuquerque, New Mexico.

In 1968, he was transferred to the medical battalion of the 173rd Airborne Brigade in Vietnam, and served a combat tour at Quin Yon, An Khe, and LZ English at Bon Son. During his tour, he participated in experimental military dental practices that are now standard procedure for the Armed Forces. In recognition of his service under combat conditions, Norwood was awarded the Combat Medical Badge and two Bronze Stars.

After his discharge in 1969, he remained a member of the American Legion, Veterans of Foreign Wars, and the Military Order of the World Wars until his death.

Mr. Speaker, Charlie Norwood served with us as a Member of Congress from January 4, 1995, until his untimely death on February 13, 2007. During his congressional career, Norwood worked to pass a patients' bill of rights aimed at giving people better access to health care and greater ability to sue insurers, and spent his life supporting the overall well-being of veterans.

He was quick to protect TRICARE benefits, and he cosponsored legislation to address military survivor benefit plan inequities and to improve military pay raises. He was a tireless advocate for our men and women in uniform and for our Nation's veterans.

This legislation has the support of the State veteran service organizations, as well as the entire Georgia delegation. In the Senate, a companion bill has been introduced, S. 1026, which has the cosponsorship of both of the Georgia U.S. Senators.

Mr. Speaker, I support honoring this distinguished American by naming the VA facility in Augusta, Georgia, the Charlie Norwood Department of Veterans Affairs Medical Center. To honor our deceased friend and colleague in this manner is a tribute to his love of Nation and his contributions to our military and veteran community and as a Member of Congress.

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

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

Mr. BOOZMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman from Arkansas. I thank the gentleman from California for your support of this legislation and your kind words about Charlie Norwood.

This bill, Charlie would really approve of it because it has three things that Charlie loved dearly. He loved veterans; he loved Augusta, Georgia; and he loved medicine and doctors giving medicine and taking care of patients. Probably the only things he loved more were his Lord and Savior, Jesus Christ; his wife, Gloria, and their family; and, indeed, the United States of America.

Charlie was a happy warrior. We all know Charlie. And whether you agreed with him or disagreed with him, he always smiled, and he always expected you to push back. He never would resent your opposition to any philosophical point whatsoever, and that was a double-edged sword. He was a Republican's Republican at times; but I can say this, if it meant doing something he believed in, he would oppose the Republican Party.

We all remember the Norwood-Dingell bill which Charlie championed that was part of the patients' bill of rights, and that was a bill which was largely not supported by the Republican Party. And yet Charlie just charged away and said we're going to do this because it's the right thing. And he earned the respect of both sides of the aisle by handling this.

I remember him relating a story to me when the President of the United States called him and said, Charlie, what can I do to get you to back off this bill a little bit and give us some flexibility? And I believe he said, Mr. President, not a thing. But if you know Charlie and you know the President, that conversation probably has been cleaned up a little bit. But the whole time you could see both of them kidding back and forth because that was the nature of Charlie Norwood.

I remember one time I used to represent Emanuel County, and because of reapportionment, Charlie became the Representative. I said, Charlie, now, you're from Augusta. These folks are rural. I need to go up and introduce you. They're not going to take to you easily. We were going to meet about 7:30 in the morning in a local restaurant, a little diner, the epitome of what you always see on TV. And I got there just a few minutes late, and I thought, oh, man, Charlie has been surrounded by these farmers for a while now and I've embarrassed him by coming late and they're looking at this Augusta city slicker whom they've never met before.

I walked in and it was like interrupting somebody else's family reunion. Charlie was sitting at a table surrounded by farmers, surrounded by rural folks, while Charlie spun one yarn after another about what was wrong in Washington, DC. They loved him, and I hardly even got a place at the table, sort of nodded my head and said, Charlie, you take it from here and said to my former constituents, ''You guys are in very, very good hands.''

I remember one commercial that Charlie had, and I had been elected the term before Charlie. So I had a little bit to say here and there and Charlie had actually never been in elected office. Many of us had served in the Georgia General Assembly together, and Charlie ran an ad that said, I'm going to do what I can for you. I'm going to try to do my best, but I'll tell you this, if you're from the 10th District of Georgia, I don't care who you are, I'm going to do anything I can to help you.

□ 1300

I said in my sage way, Charlie, now, look, if somebody has broken the law, you don't want to make that statement out there that you are going to help anybody for anything. He said, No, I will, and that's the way I feel.

People understood that about Charlie Norwood, that he was a fighter for them, he was a fighter for the cause, and he literally did mean it. If I can help you, I am going to do what I can for you.

I see we are about out of time on my half of the program here, but I want to state some facts for the RECORD about Charlie. Mr. BOOZMAN has outlined a lot of the specifics of his military career, but it is substantial. He was a fighter over and over again for the veterans. Again, he would be with the Republican Party or with the Democrat Party if it was in the best interests of the veterans. That's why it's so good to have such strong bipartisan support for this legislation today.

We want to say, Charlie, we love you. Gloria, and all the family, we certainly love you as well and support you. It's going to be a proud day when we get this building renamed.

As a soldier, Charlie earned both the Combat Medical badge and two Bronze stars while he served in Vietnam. He helped develop the Dental Corps standard operating procedures of delivering dentists to forward-fire bases. He dutifully served and provided dental, emergency medical and surgical care for both U.S. personnel as well as Vietnamese civilians and prisoners-of-war. As a Congressman, he coauthored and helped pass into law the Keep our Promises to America's Military Retirees Act and was also a key Member in passing the Retired Pay Restoration Act. Year after year, he defeated attempts to reduce Federal support for the Augusta VA Center and helped maintain and increase funding for the center. He received the Cocklin Award from the Association of the U.S. Army in 1998.

Over the past few months, we have received letters from several veterans organizations in support of this legislation. Here is a sample of what some of them had to say:

''We support this bill as Congressman Norwood spent his life supporting the overall well being of veterans''—Georgia Department of Veterans

''He was a member of the Augusta MOAA chapter and he would attend meetings unannounced to make sure he stayed in touch with Georgia veterans. He was always quick to protect TRICARE benefits, and he co-sponsored legislation to fix the military Survivor Benefit plan inequities, and improving military pay raises''—Georgia Military Officers Association of America

''Designating the Augusta VA after Charlie Norwood is the most appropriate act for a great Congressman and a grateful community''—The American Legion, Department of Georgia (Note: He was a life member of the Georgia chapter)

''Renaming the Department of VA in memory of Congressman Norwood would be very fitting and greatly appreciated''—Veterans of Foreign Wars, Department of Georgia

''Speaking with the veterans in Augusta, you can tell that most of them do not want to forget the great things that he has done for all

veterans. As a native of Augusta, Congressman Norwood would always be remembered by renaming the VAMC located there."—AmVets, Department of Georgia

Former Congressman Charles Taylor: "I know the many Veterans who received care through Charlie's many efforts would like to say thank you. He often reminded us, 'we are in fact defending our nation's future' by showing young people the 'level of importance we place on military service'".

Former Congressman Bob Beauprez: "Charlie epitomized the phrase 'servant leader'. He went about his work daily without thought of himself, building a legacy, or attracting notoriety. Headlines he did not seek, and even in his battle with the disease that finally took him from us, sympathy was never his objective. He could make a decision and he could argue passionately for a cause, but he also was one of the most caring, forgiving, decent, humble Christian men I ever met."

President Bush: "Charlie was a good friend and a strong, spirited legislator who always stuck to his principles, remembering that his duty was to represent the best interests of the citizens of his district."

From the New York Times obituaries: "A feisty conservative who railed against government bureaucracy, Mr. Norwood was part of the Republican wave that took control of Congress in 1994. Mr. Norwood prided himself on serving his northeast Georgia district, promoting his success in cutting through federal regulations a decade ago to allow a constituent to bring home a stuffed polar bear the man had killed on a hunting trip in Canada."

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

Mr. BOOZMAN, if you need more time, we will be happy to yield to you.

Mr. BOOZMAN. Thank you, Mr. Chairman.

Mr. Speaker, I yield 3 minutes to the gentleman Georgia (Mr. GINGREY).

Mr. GINGREY. I thank the gentleman for yielding.

I thank Chairman FILNER and Ranking Member BUYER, and certainly my colleague, the author of the bill, Congressman KINGSTON from Savannah.

I want to tell the Congressman that there are no city slickers in Augusta, Georgia. I am an Augusta native. There are probably not any in Savannah either. Maybe they are all in the Atlanta area.

Mr. Speaker, I do rise today in strong support of H.R. 1808 to designate Department of Veterans Affairs Medical Center in Augusta, Georgia, my hometown, as the Charlie Norwood Department of Veterans Affairs Medical Center.

I am proud to stand here today as an original cosponsor of the bill, not just because Charlie Norwood was a great American who loved his country and found any way he could to serve, but also because I had the honor and privilege to serve with him, to personally know Charlie and to count him as one of my close friends.

Charlie, as has already been said, I am just proud to repeat a lot of this, but Charlie was a native son of Georgia, growing up in Valdosta. He graduated from Georgia Southern University in Statesboro. After earning his doctorate in dentistry from Georgetown University, Charlie went on to serve as a captain in the United States Army from 1967 to 1969. During this time he served in Vietnam.

He practiced experimental military dental practice that's now standard operating military procedure for the Armed Forces. He was one of the first dentists to operate in the active combat zone in Vietnam.

In recognition for his service in Vietnam, Charlie was awarded the Combat Medical Badge and two Bronze Stars. After Vietnam, Charlie was assigned to the dental corps at Fort Gordon, the Army base just outside of Augusta, and from then on, Charlie, Gloria and his family made their home in Augusta, Georgia.

In 1994, Charlie became the first Republican to represent Georgia's 10th Congressional District since reconstruction. This landmark election gave us a leader who tirelessly fought for immigration reform, including the Clear Act to eliminate sanctuary cities, and the patients' bill of rights. I will never forget that. I was practicing medicine in Marietta, Georgia, when Charlie brought forth that bill about 10 years ago and did such a great job with reining in managed care. He is always for smaller, fiscally conservative government.

During this time, Charlie never forgot his fellow veterans. He remained an active member of the American Legion, the Veterans of Foreign Wars and the Military Order of the World Wars. And throughout the BRAC process, Charlie's constituents in Augusta could rest easy knowing that Charlie was there fighting for Fort Gordon and the Augusta area Veterans Affairs Medical Center.

Charlie Norwood was a strong American who spent his life fighting for his country, both at home and abroad. For this reason I can think of no one more fitting after which to name the Department of Veterans Affairs Medical Center in Augusta.

I urge all my colleagues to remember the selfless sacrifice of Charlie Norwood to America, his deep love for our Nation, by voting in favor of H.R. 1808.

Mr. BOOZMAN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise in strong support of H.R. 1808. I am proud to be the first non-Georgian sponsor of the bill after the entire Georgia delegation.

I knew Congressman Norwood very well. He was one of my very best friends in the House. I can think of no better tribute than to name the Veterans Affairs Center at One Freedom Way in Augusta the Charlie Norwood Medical Center.

Congressman Norwood was a strong advocate for veterans. He was a veteran himself. He was very active in health care issues and veterans health care issues on the House floor. This is a fitting tribute to his service in the Congress and his service to the country when he was in the military and served so nobly and ably in Vietnam.

I rise in strong support and hope we get unanimous support for this bill at the appropriate time.

I have had the pleasure of working with many great men and women in my 22 years in the House, and I can say with all honesty that Charlie Norwood was one of the best. I knew Charlie well, both as an outspoken member of the Energy and Commerce Committee and a good friend. His devotion to people of the Tenth District of Georgia was undeniable, as was his passion for improving this country's healthcare and the lives of its veterans.

Charlie Norwood's service to his country began long before his election to the House of Representatives. Charlie volunteered to serve in the United States Dental Corp during the Vietnam War. Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war. The Dental Corp operating procedures that he helped develop while in combat conditions have now become standard.

Upon returning stateside, Charlie settled in the Augusta area and set up a private dental practice serving local residents as well as providing care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid. His work on behalf of veterans and military personnel continued throughout his twelve years in the House of Representatives.

Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia. I think it only appropriate that we gather here today to honor the memory of this great man by placing his name on the institution that he fought so hard for. I cannot think of a more fitting tribute to Congressman Charlie Norwood.

Mr. BOOZMAN. Mr. Speaker, how much time do we have?

The SPEAKER pro tempore (Mr. CAPUANO). The gentleman from Arkansas has 8½ minutes, and the gentleman from California has 19 minutes.

Mr. BOOZMAN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. PRICE).

(Mr. PRICE of Georgia asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Georgia. I thank my colleague for yielding. I am so pleased to join my colleagues in support of this resolution.

Mr. Speaker, Charlie Norwood, Congressman Norwood, was a dear friend to me, and he was a friend to this body. It's wonderful that we have this opportunity to recognize and honor him here today and forever with the commemoration and renaming of this veterans facility.

Congressman Norwood spent his entire life helping others. After serving

valiantly in defense of our Nation in Vietnam, he returned home to serve his community in Augusta, Georgia, as a dentist. For 12 years he was a faithful servant to the people of Georgia as a Member of Congress, and all of this service, with his wife, Gloria, close by his side, indispensably.

In Congress, Charlie Norwood was a passionate supporter of our military and our veterans, and he never forgot for whom he was to work in Washington, his constituents. His leadership on veterans issues and a broader conservative vision for America are deeply missed. Anyone who knew Charlie knew that he was as tough as they come, and he always stood on principle.

His legacy in the House of Representatives will be one of integrity, vigor and loyalty. It's fitting that we memorialize his life with this tribute today.

Thank you, Charlie.

Mr. BOOZMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, Congressman Charlie Norwood was a man of integrity and conviction who made immeasurable contributions to this Nation.

I knew Charlie when he was first elected to Congress in 1994. He was a tireless advocate for veterans, for this district, and for the entire State of Georgia. Charlie and I shared the love of hunting and fishing. When I was an active member of the safari club, I used to come to Washington to lobby for hunters' rights and gun owners' rights. Charlie was always very supportive and very helpful.

I have enormous respect for his unwavering commitment to his principles. Throughout Charlie's illness, I prayed that God would heal him. His passing was a great loss to us all. I hope that dedicating this facility will be a comfort to the Norwood family and for all that they have been through.

I have tremendous appreciation for Charlie's wife, Gloria, for the unwavering support that she gave to Charlie. Without her help he could not have accomplished so many wonderful things and touched so many people's lives.

Charlie gave a lifetime of public service to the people of this Nation. After giving so much to his country, it is only fitting that we honor Charlie today by naming this medical center after him.

Mr. Speaker, I rise today to join my fellow colleagues in strong support of H.R. 1808, To designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans" Affairs Medical Center."

Congressman Charlie Norwood was a man of integrity and conviction, who made immeasurable contributions to this nation, and I can't think of anything more appropriate than to name the Augusta VA Medical Center after Charlie.

Before serving in the House of Representatives, Charlie volunteered for the Army, serving in the Army Dental Corps. In Vietnam, he served bravely as an Army captain under combat conditions, providing dental and emergency care to American soldiers, civilians, and prisoners of war. For his distinguished service, he was awarded the Combat Medical Badge and two Bronze Stars. After returning from Vietnam, Charlie continued to serve in the Army Dental Corps at Fort Gordon in Augusta, GA. When he was discharged in 1969, he began his dental practice in Augusta.

I have enormous respect for Charlie Norwood. I knew Charlie when he was first elected to Congress in 1994. Throughout his 12 years in Congress, he was a tireless advocate for veterans, for the district, and for the entire State of Georgia. He championed the Patients' Bill of Rights, worked to reform health care for veterans, and fought to secure our borders.

Charlie and I shared the love of outdoors, of hunting, and fishing. When I was an active member of the Safari club, I used to come to Washington to lobby for hunters' rights and gun owners' rights, and Charlie was always very supportive and helpful. I've always admired his unwavering commitment to his principles. Throughout Charlie's illness, I prayed that God would heal him. However, it seems that God had a different plan. His passing was a great loss to us all.

I hope that dedicating this facility will be a comfort to the Norwood family for all that they have been through. I have tremendous appreciation for Charlie's wife, Gloria, for the unwavering support that she gave to Charlie. Without her help, he could not have accomplished so many wonderful things and touched so many people's lives.

Charlie truly cared about people. He gave a lifetime of public service to the people of this nation. After giving so much to his country, it is only fitting that we honor Charlie today by naming the VA Medical Center in Augusta after him.

Mr. BOOZMAN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding. You have already heard the accolades about Charlie's service as a decorated dentist in the Vietnam era and in Vietnam, in country.

I didn't know Charlie until he came to Congress, but he and I became very close friends. We worked together on the Energy and Commerce Committee. He was always dedicated to the things that he thought was for the best, especially for our veterans, for those who serve their country and who had sacrificed for our country.

He was always somebody that you knew exactly where he stood, and he wasn't always partisan in where he stood. He simply took positions based on what he thought was right. In the words of Charlie Norwood, I would thank the gentleman who introduced this resolution, and, as Charlie would say, ''you done good.''

Mr. BOOZMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. I thank the gentleman for yielding.

Mr. Speaker, I was a friend of Charlie's for over 30 years. We met in the early 1970s when he was the president of the Georgia Dental Association and I was a practicing dentist and a young State legislator.

Charlie never ever was in neutral, and he rarely ever backed up. It was full go ahead. The great story about him in the Army was he changed the way they were doing business, moving dentists to forward-fire bases. His commander called him and said, I want a daily report of what you are doing there that is out of the ordinary. Charlie said to him, Well, I have got a chair here. You come down here and set your own butt on it and write your own report. I just don't have time. The colonel did come down, and they changed the entire way the Army did business because of Charlie's ideas.

When he got involved shortly thereafter in the Georgia Dental Association, he did the same thing. He just took charge and became president. He traveled all over the State of Georgia fighting for important things for patients' welfare. His campaign in 1994 was a joy to watch, just a joy to watch, yard signs everywhere and him moving as fast as he could from one house to the next, from one hand to the next. He was just a remarkably good campaigner.

Then he came here and he introduced a very important bill. I didn't agree with him on the bill, but he didn't slow down at all.

The fact that the House and the Senate did not sign the patients' bill of rights did not mean it wasn't important. The changes it brought in the relationships between HMOs and patients are there today because of the pressure of that legislation and will be there forever. Charlie was a remarkable human being and one whom I have loved for a very long time and will miss.

Mr. BOOZMAN. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank the gentleman for yielding.

Mr. Speaker, it is a great honor that I stand up and ask for the support on the renaming of this veterans center in Augusta for Congressman Charlie Norwood.

I told Charlie one time, I said, Charlie, you are my foxhole buddy. And he said, What do you mean by that? I said, Well, I know that you are going to keep my back covered and that you are going to be with me if you tell me that you are with me until I get out of the foxhole or until they drag our dead bodies out.

That's the kind of guy he was. If he told you that he was with you, then he was with you. That's the type of thing that he exerted towards the veterans of this country is that he was with the veterans. I don't think there could be any greater honor on that veterans building in Augusta than Charlie Norwood's name, to let the veterans know and understand that he has always been with them, that he went through

many adversities with his health, a long time of trying to get over an illness.

They may be up for some of the things, but Charlie Norwood was always there for them. I just think it's a great honor that this body has voted, and I hope will continue to vote, to make that the Charlie Norwood Veterans Administration Medical Center.

Mr. BOOZMAN. Mr. Speaker, in closing, again, we have all heard what a great asset Charlie Norwood was to this body, not only in helping us as Members, but in the many, many ways that he served his country.

He and his wife, Gloria, also served us in the way of helping junior Members' wives as they came on board, my wife, in particular. Again, we are very, very grateful to his service. I can't think of a more fitting honor than the honor of naming this building.

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

GENERAL LEAVE

Mr. FILNER. 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 on H.R. 1808.

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

There was no objection.

Mr. FILNER. Mr. Speaker, I just heard from Charlie, and he said, in his typical way, I wish all those guys saying such nice things about me would have voted for my patients' bill of rights.

But naming a VA facility after this hero and a strong veterans advocate is certainly a proper honor for an honorable soldier and for a Congressman we all loved.

Mrs. BLACKBURN. Mr. Speaker, I rise in strong support of H.R. 1808, legislation to VA Medical Center in Augusta, GA as the "Charlie Norwood Department of Veterans Affairs Medical Center."

Simply put, there is no more fitting vehicle to pay tribute and honor our friend and former colleague, Representative Charlie Norwood.

As many of my colleagues have so eloquently noted, Dr. Norwood was first and foremost a friend of the American veteran. Having served in wartime conditions in the Republic of Vietnam in 1968, Captain Norwood helped develop the Army Dental Corps operating procedures that is now the standard for delivering dentists to forward-fire bases.

In so doing, Captain Norwood provided quality dental care to his fellow combat servicemen, and established standard practice that continued to benefit servicemen long after he left the Army.

That is an appropriate metaphor for Charlie's career in the U.S. House. As a Member who served his constituents passionately during more than 12 years of service, he dedicated his government service to ensuring access to quality healthcare for every American, and for guaranteeing veterans the benefits and respect that they deserve.

We all miss Charlie. But even though he is no longer with us, the good doctor's passion and dedication to American veterans is not forgotten. This legislation is a true memorial to his service, and I urge my colleagues to support it.

Mr. BUYER. Mr. Speaker, I rise today in support of H.R. 1808, a bill to designate the VA Medical Center in Augusta, Georgia as the "Charlie Norwood Department of Veterans Affairs Medical Center" which would honor one of our colleagues and one of my close friends who passed away this Congress.

Charlie Norwood was born on July 27, 1941 and attended both Georgia Southern University in Statesboro, Georgia and Georgetown University in Washington, DC. I have a close affinity to Charlie who was a dentist, like many in my family, prior to serving in the House of Representatives.

Charlie Norwood served as a Captain in the United States Army from 1967 to 1969. He began his Army career with an assignment to the U.S. Army Dental Corps at Sandia Army Base in Albuquerque, New Mexico, and in 1968, was transferred to the Medical Battalion of the 173rd Airborne Brigade in Vietnam. He served a combat tour at Quin Yon, An Khe, and LZ English at Bon Son. During his tour of duty, he participated in experimental military dental practices that are now standard procedure for the Armed Forces. In recognition of his service under combat conditions, Norwood was awarded the Combat Medical Badge and two Bronze Stars. After his discharge in 1969, he remained a member of the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars until his death.

Mr. Speaker, Charlie Norwood served with us as a Member of Congress from January 4, 1995 until his untimely death on February 13, 2007. During his Congressional career, as a Member of the Energy and Commerce Committee, Charlie Norwood worked to pass a patients' bill of rights, aimed at giving people better access to health care, and spent his life supporting the overall well-being of veterans. Serving as a Member of the National Guard and Reserve Caucus, which I co-chair, he was a tireless guardian of our military and worked hard to protect TRICARE benefits, co-sponsored legislation to address military Survivor Benefit Plan inequities, and worked to get pay raises for our military members.

Mr. Speaker, honoring his hard work, and dedication to the military and our nation's veterans, as well as his love of nation by naming the VA Medical Center in Augusta, Georgia the "Charlie Norwood Department of Veterans Affairs Medical Center" is a fitting tribute to our late colleague and friend.

Mr. Speaker, I urge the full support of my colleagues on this legislation.

Mr. BARTON of Texas. Mr. Speaker, I have had the pleasure of working with many great men and women in my 22 years in the House, and I can say with all honesty that Charlie Norwood was one of the best. I knew Charlie well, both as an outspoken member of the Energy and Commerce Committee and a good friend. His devotion to people of the Tenth District of Georgia was undeniable, as was his passion for improving this country's healthcare and the lives of its veterans.

Charlie Norwood's service to his country began long before his election to the House of Representatives. Charlie volunteered to serve in the United States Dental Corps during the Vietnam War. Captain Norwood provided dental, emergency medical, and surgical care for United States personnel, Vietnamese civilians, and prisoners-of-war. The Dental Corps operating procedures that he helped develop while in combat conditions have now become standard.

Upon returning stateside, Charlie settled in the Augusta area and set up a private dental practice serving local residents as well as providing care for military personnel, retirees, and dependents under Department of Defense programs and for low-income patients under Georgia Medicaid. His work on behalf of veterans and military personnel continued throughout his twelve years in the House of Representatives.

Throughout his congressional service from 1995 to 2007, Congressman Norwood repeatedly defeated attempts to reduce Federal support for the Department of Veterans Affairs Medical Center in Augusta, Georgia. I think it only appropriate that we gather here today to honor the memory of this great man by placing his name on the institution that he fought so hard for. I cannot think of a more fitting tribute to Congressman Charlie Norwood.

Mr. WILSON of South Carolina. Mr. Speaker, I wish to take this opportunity to remember a friend and colleague; Charlie Norwood, and to support H.R. 1808, a bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center".

Charlie dedicated his life to medicine and public service—as a captain in the Army assigned to the Army Dental Corps during Vietnam, a dentist in private practice, and as a Member of Congress. During his 12 years in the House of Representatives, Charlie fought hard for conservative values, the military and our veterans, and remained dedicated to seeing a patients' bill of rights passed into law. Although this dream of his has not yet become a reality, it is all too fitting that we name the VA Medical Center in Augusta, Georgia, after one of that state's favorite sons.

Our military veterans had no stronger advocate in Congress than Charlie, and with the passage of this bill, we will be honoring that legacy. Additionally, I want to thank his wife Gloria for her loving support and her service as First Lady of Georgia's Tenth Congressional District.

As an original co-sponsor of H.R. 1808, a fellow veteran, a friend, and an admirer of Charlie Norwood, I want to thank Representative JACK KINGSTON for introducing this legislation, and I look forward to its passage.

Mr. STEARNS. Mr. Speaker, I rise today to support H.R. 1808, to name the VA Medical Center in Augusta, Georgia after my good friend and colleague, Charlie Norwood. I served with Representative Norwood for 12 years here in Congress, and was honored to work alongside him. This principled man did not hesitate to stand up for his conservative principles, even if it meant criticizing his party.

Charlie was an intelligent and respected man, both in this House and in his hometown that he ably served. He was an amiable man full of a love for life and with a wisdom that he had earned through experience. I was never surprised when in Committee he would comment on an issue with particular insight and concern for the complexities involved.

It is fitting that a VA Medical Center be named after this courageous man, especially since he himself had served our country with

distinction in the Armed Forces. Representative Norwood served as a Captain in the United States Army from 1967 to 1969, beginning with an assignment to the U.S. Army Dental Corps at Sandia Army Base in Albuquerque, New Mexico. In 1968, he was transferred to the Medical Battalion of the 173rd Airborne Brigade in Vietnam, and served a combat tour at Quin Yon, An Khe, and LZ English at Bon Son. During his tour, he participated in experimental military dental practices that are now standard procedure for the armed forces. Charlie Norwood was one of the first participants in the Army's outreach program that delivered dentists to forward firebases, instead of the previous practice of transferring patients to rear treatment areas. Interestingly, he also provided some of the first field-based dental treatment of military guard dogs, and assisted in non-dental trauma care in Mobile Army Surgical Hospitals.

In recognition of his service under combat conditions, Representative Norwood was awarded the Combat Medical Badge and two Bronze Stars. After Vietnam, Charlie was assigned to the Dental Corps at Fort Gordon, Georgia, where he served until his discharge in 1969. He remained a member of the American Legion, the Veterans of Foreign Wars, and the Military Order of the World Wars until his recent tragic death.

I was honored to serve with this effective Representative from the 10th district of Georgia, was strengthened to draw from this intelligent individual's wealth of knowledge and insight, and have been blessed to know this vibrant and caring man, Charlie Norwood, as a friend. I support honoring his memory by this designation, and urge my colleagues to join me in support of this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1808.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1315

MILO C. HUEMPFNER DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2408) to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the ''Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2408

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

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, GREEN BAY, WISCONSIN.

The Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, shall after the date of the enactment of this Act be known and designated as the ''Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic''. Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I yield to my distinguished colleague from Wisconsin (Mr. KAGEN) to speak about the bill which he has authored to name the outpatient clinic in Green Bay, Wisconsin, after this great hero.

Mr. KAGEN. Mr. Speaker, thank you for this opportunity to speak in support of H.R. 2408, a bill to name the Department of Veterans Affairs community-based outpatient clinic in Green Bay for Milo C. Huempfner, Brown County, Wisconsin's most highly decorated veteran of World War II, recipient of the Distinguished Service Cross, second only to the Medal of Honor, the Bronze Star, and numerous other commendations.

Having cared for thousands of veterans as their physician, and now as their elected Representative, I would also like to thank the members of the leadership and the members of the Veterans' Affairs Committee who worked hard to bring this legislation to the floor today, especially Chairman FILNER. Thank you. And thank you as well to Ambassador Mark Green for beginning this good work.

We need to remember Milo C. Huempfner. He was a hero. His bravery, his dedication to others and his selflessness to serve is a beacon to guide all of us today.

Milo served in one of the best trained units in the U.S. Army, the elite 551st Parachute Infantry Battalion. It was a unit where courage was common. Yet even in this company, Milo distinguished himself.

Milo Huempfner was literally a one-man army. For 2 days in December of 1944, Milo Huempfner was literally a one-man army. He singlehandedly waged war against a German tank column in Belgium during the Battle of the Bulge.

In that chaotic battle, Milo and a colleague were separated from their convoy with a truckload of ammunition. They were near the Belgian town of Leignon when their truck slid off the road into a ditch. Milo was left behind to guard the truck until a tow truck could return. He had instructions to destroy it if the Germans arrived. He turned down opportunities to leave. When he heard an armed column of Panzer tanks approaching, he burned the truck and retreated into the local city. Over the course of the next 2 days and 2 nights, Milo waged a one-man battle, a one-man guerrilla war against the town's Nazi occupiers. He destroyed tanks; he destroyed trucks. He stormed the machine gun positions and engaged in hand-to-hand fighting with enemy troops.

When he was not protecting townspeople of Leignon, Milo would sneak out of town to warn approaching troops, allied troops, that the enemy was nearby. He saved many American soldiers' lives.

One evening, a freezing evening, the townspeople came to him and asked if he would go to church and protect them. The people wanted to go to church and he could not understand why. Well, it happened to be Christmas Eve, they reminded him. And he stood outside armed only with a pistol to protect them on Christmas Eve. As the people of Leignon celebrated, he stood guard as he stands guard now. On Christmas morning, Milo received his present when allied forces began their counterattack and surrounded the town. Milo didn't stop. He sprang into action against a German artillery hidden in a barn, and 18 Nazis surrendered to him. When Milo finally met the allied troops, they almost mistook him for a German spy. They couldn't believe that a single soldier could hold them off from this town and couldn't understand how a single American soldier could bring so many enemy troops into being captives.

For these deeds, Private Huempfner was awarded the Distinguished Service Cross. The after-action report on Private Huempfner's deeds ends with these words, and I quote: ''His gallantry, intrepidity and extraordinary heroism while operating within the very limits of the German units, without being ordered to do so, and when withdrawal could have been accomplished with honor and safety, reflect the highest standards and ideal of the military service and favorably demonstrated to the citizens of Leignon the courage and daring of the American soldier.''

After the war, Milo Huempfner preferred not to talk about his experiences. This was common for many soldiers in World War II. His own children did not know any of what I just spoke about until his funeral, when Milo's comrades stepped forward to speak of their cherished comrade.

Despite his silence, Milo remained a committed patriot and dedicated to the men he served. Over the years between the war and his passing in 1985, Milo attended the funerals of over 900 veterans in Brown County, Wisconsin. He used his dress uniform so frequently that he wore it out. As a mark of respect and thanks, local veterans organizations paid to have it restored.

By naming this temporary community outpatient clinic building in Green Bay after Milo Huempfner, we are paying respect to one of Wisconsin's great heroes.

I would like to thank Milo Huempfner's children, Jackie, Wayne, Geri and Milo, for their help and also his friend, Bernard Depry of Green Bay, who brought this request to my attention and worked tirelessly over the years to make this a reality.

I encourage my colleagues to support H.R. 2408. We are recognizing the deeds of a brave and noble man.

Mr. BOOZMAN. Mr. Speaker, H.R. 2408, a bill to designate the VA outpatient clinic in Green Bay, Wisconsin as the Milo Huempfner Department of Veterans Affairs Outpatient Clinic would honor an individual whose demeanor during combat in World War II exemplifies the concept of the army of one.

In 1944, Private First Class Huempfner was stranded in the small Belgian village of Leignon after his truck was separated from its convoy and slid off the road. While in hiding in Leignon, Private First Class Huempfner found that the village had been overrun by German troops. He proceeded, over the next 4 days and nights, to singlehandedly wage war against an entire German armored column consisting of tanks, numerous heavy gun emplacements, and hundreds of soldiers. During this period of time, Private First Class Huempfner warned off numerous American and British troops from Leignon, who otherwise would have been slaughtered by the Germans occupying the town. He repeatedly refused to be evacuated on these occasions, staying to destroy additional German equipment, killing German soldiers in direct combat, and protecting the citizens of the occupied town.

Mr. Speaker, on Christmas Eve, British forces dislodged German forces using information collected by Private First Class Huempfner. After over 72 hours on his feet, under constant threat and harassment from enemy forces, Private First Class Huempfner retired to a household he had earlier defended.

For all of these accomplishments he was awarded the Distinguished Service Cross in 1973. After the war, Private First Class Huempfner attended the funerals of as many veteran comrades as possible. Reports indicate that he participated in the burial of some 900 fellow comrades in arms over the years since World War II, attending in full dress uniform, honoring their service and repeatedly demonstrating his love for our Nation by showing the brave veterans of Brown County the dignity and respect that they had earned. He continued attending these funerals until a week before his death in October 1985.

Mr. Speaker, I support honoring this brave American veteran by naming this facility the Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic. It is a fine tribute to a true patriot and true hero.

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

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I again ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2408.

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

There was no objection.

Mr. FILNER. I want to thank Mr. KAGEN for bringing this story and history of a brave American and a great hero for Wisconsin. I wish your guys from Green Bay, whether they be quarterbacks or heroes, would have names we could pronounce. But we thank you for telling us the story of Milo Huempfner, and we look forward to the naming of the facility in Green Bay after him.

Mr. Speaker, the Distinguished Service Cross (DSC) was established in 1918 by President Woodrow Wilson. It is the second highest military decoration of the United States Army and surpassed only by the Medal of Honor in order of precedence.

The DSC is awarded for extreme gallantry and risk of life and this extraordinary heroism must take place while the individual is engaged in an action against an enemy of the United States. The act of heroism must be so notable and involve risk of life so extraordinary as to set the individual apart from his comrades.

It is an honor for me to stand before you today to talk about one such individual—Milo C. Huempfner.

Mr. Huempfner was the most decorated serviceman in Brown County during World War II. In 1944, PFC Huempfner committed acts of extraordinary bravery and heroism during the final European campaign of World War II.

On December 20, 1944, in Belgium, PFC Huempfner was driving a truck loaded with ammunition that went off the road. Sending his only comrade back to seek help and safety, Huempfner proceeded over the next 4 days and nights to wage war, single-handedly, against an entire German armored column.

During this time, he warned off numerous American and British troops from the area who otherwise would have been slaughtered by the Germans occupying the area.

After his military service he remained heavily involved in veterans activities.

H.R. 2408 would name the Department of Veterans Affairs Outpatient Clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic".

Given his unselfish service to his country, it is only fitting that we name a Veterans Affairs Outpatient Clinic in his honor.

Mr. Speaker, I thank my colleague of Wisconsin, STEVE KAGEN, for introducing this bill and I urge the support of my colleagues.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 2408.

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

A motion to reconsider was laid on the table.

CONDEMNING THE ACTIONS OF SEPTEMBER 7, 2007, RESULTING IN DAMAGE TO THE VIETNAM VETERANS WAR MEMORIAL

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 680) condemning the actions of September 7, 2007, resulting in damage to the Vietnam Veterans War Memorial.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 680

Whereas the Vietnam Veterans Memorial serves as a memorial to the 2,700,000 men and women in the United States Armed Forces who served in the designated war zone during the Vietnam Era;

Whereas 58,256 men and women died while serving in South East Asia or as a result of their wounds or a service-connected disability;

Whereas on Friday evening, September 7, 2007, the United States Park Police reported being notified of a light, oily, and unidentified substance that was spilled over portions of some of the names, panels, and paving stones of the Vietnam Veterans Memorial;

Whereas at least 14 of the 140 inscribed panels of the Memorial Wall were damaged; and

Whereas the National Park Service has determined that the damage was the result of an act of vandalism: Now, therefore, be it

Resolved, That the House of Representatives condemns all attacks upon the memory of veterans and their service to the United States, as exemplified by the incident of vandalism of September 7, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

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

I rise in strong support of this bill which condemns the action that resulted in damage to our Vietnam Veterans Memorial. We all know that this memorial recognizes and honors the men and women who are veterans of our Nation who served in one of America's most divisive wars. The memorial grew out of a need to try to heal the Nation's wounds as America struggled to reconcile its different moral and political points of view on this war. In fact, the memorial was conceived and designed to make no political statement about the war. It was designed to bring us together. It was designed as a place where everyone, regardless of their opinion of the war, could come together, remember and honor those who served and those who made the ultimate sacrifice in service of their country. I think all of us, wherever we were during that terribly divisive time,

feels at peace and feels a relationship to those people who served our Nation.

The memorial, as I said, has paved the way towards reconciliation and healing, a process that still continues. That's why, Mr. Speaker, I think we were all so disturbed when we heard about the senseless act of vandalism that happened earlier this year. Someone walked along that memorial with some type of oil applying it secretly on the wall as they walked by. The unknown oil has done real damage to the polished granite surface. But it did more than damage the wall, Mr. Speaker. It damaged the respect we have for our Nation's veterans and their sacrifice, damaging the healing process; and it takes us, as a Nation, back to a time when we did not honor or take care of our returning Vietnam veterans.

It takes us back to a time when many people in this country confused the war and the warrior. If you did not like the war, you said to heck with the warrior. That was a deep mistake on our part, Mr. Speaker, a tragic mistake, and one, as a Nation, we still suffer from today.

We did not provide these veterans the care they needed. We didn't welcome them back with honor and dignity and respect, and we're paying a price today. More than half of the homeless on the streets throughout America tonight, are Vietnam vets, over 200,000. Others still suffer from post-traumatic stress disorder, substance abuse, other ailments. And as I said earlier, as many Vietnam veterans have now committed suicide as died in the original war. We, as a Nation, have to rectify this wrong. We have to take care and provide the health care, the treatment and the support that our Vietnam veterans deserve and need. We have to say that we are sorry for the treatment that they received when they came home, and honor these courageous men and women for their sacrifice to this Nation.

Anything that subtracts from this healing process is an outrage to the honor and memory of these brave veterans who fought and died for our country. And that is exactly what the senseless, needless act of vandalism that was perpetrated on the Vietnam Veterans Memorial does. It rubs salt into the wounds of our veterans that are still healing, and dishonors those that deserve nothing less than our Nation's honor and gratitude.

□ 1330

So, Mr. Speaker, through this resolution we condemn this act. We condemn those who are responsible. The oil is not just a stain on a piece of granite; it is a stain on the fabric of our Nation, a Nation still healing from a divisive war but a Nation that honors the sacrifices of its soldiers and veterans.

Maya Ying Lin, who designed the Memorial, said, '' . . . this Memorial is for all those who have died, and for us to remember them.''

Mr. Speaker, let us remember their patriotism and valor and let us condemn the discordant acts of those who seek to tarnish them.

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

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

Mr. Speaker, I rise today in strong support of H. Res. 680, which condemns the actions of September 7, 2007, resulting in damage to the Vietnam Veterans War Memorial.

Mr. Speaker, the Vietnam Veterans War Memorial, commonly referred to as ''The Wall,'' serves as a memorial to the 2.7 million men and women in the United States Armed Forces who served in Vietnam. It is a memorial that has many different meanings to those who lived through that era and serves as an especially poignant reminder of the cost of that war and the ultimate sacrifice made in any conflict.

Americans come from all across the country each year to reflect on the sacrifices of the 58,256 names inscribed on the 140 panels of black granite. Whether it is a family member looking for the name of a loved one or a comrade in arms honoring a foxhole buddy or a young child searching for the name of a relative they never knew, every American who visits the wall leaves a changed person. It is fitting that the Memorial for our most divisive war has become a place of solace and coming together.

Mr. Speaker, regardless of who is responsible for the recent attack on the Vietnam Wall, that cowardly act was an affront to every American. In an apparent act of vandalism, 14 panels were defaced with a light, oily substance that damaged names, panels, and paving stones of the Vietnam Veterans Memorial.

While I am thankful that it appears that the substance was removed and the Memorial has been restored to its pristine condition, I believe it is important for us in Congress to show Congress's support for one of our Nation's most sacred sites.

Mr. Speaker, I also urge my colleagues to join me between November 7 through November 10 to read some of the 58,256 names on the Vietnam Veterans Memorial. This will only be the fourth time that this reading has occurred here in Washington, and it coincides with the 25th anniversary of the Vietnam Veterans Memorial.

I thank my colleague Representative CARTER for introducing this resolution and Chairman FILNER and Ranking Member BUYER for bringing it to the floor today.

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

Mr. FILNER. Mr. Speaker, I yield such time as he may consume to another hero of the Vietnam War, a man who served two tours in Vietnam, the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Speaker, I thank Chairman FILNER for yielding and what he is doing here for veterans.

I have to thank JOHN CARTER for his attention to this issue. Vandalism is never acceptable. Never. When I learned about the vandalism that took place at the Vietnam Memorial, I was outraged. Outraged.

As a Vietnam veteran, as many of you are in this Chamber, many of our colleagues, for me 20 years plus, I know firsthand, a lot of us do, the sacrifices that servicemembers and their families make.

This memorial does more than just honor the brave men and women who gave their lives for this great Nation. It also serves as a reminder to all Americans the price of freedom.

The Vietnam Veterans Memorial serves as a resting place for our brethren who were unable to come home. And I will bet some of the rest of you, as I, have wondered how come our name wasn't on that wall. We know it could have been. And for somebody to desecrate that is just unacceptable. I hope the park service will be able to find these criminals and swiftly bring them to justice.

I would like to give special thanks to all of our troops and all those of them who have given the ultimate sacrifice. We cannot forget them.

With the passage of this legislation today, it is one more example of what Congress has done to fulfill our Nation's obligation to servicemembers, their families, and all veterans.

I am proud to stand here as a cosponsor of this bill, and I encourage the House to pass H. Res. 680 today.

Mr. BOOZMAN. Mr. Speaker, I yield 3 minutes to the sponsor of the legislation, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding. And I would also like to thank Ranking Member BUYER and Chairman FILNER for bringing this forward today. I think this is an important resolution.

When I heard about the fact that someone had defaced the Vietnam Memorial, I just didn't really know what to think about it. It wasn't a front page item; it was a back page item. But to me it was just a shock. So I went down to the park to take a look at it.

And as I walked along there, and I know some others have done this too, you could see where this substance had cast what looked like a shadow across the names that were printed on portions of this wall. And it brought back to me a memory of the time when the traveling wall came to the town I am from in Round Rock, Texas, and was put up out in the park, and I went out there with one of my good friends and one of the lawyers who worked in my court who was a true Vietnam veteran and a hero, and we walked up to approach that wall. And it was sitting up on a hill in our park, and he got about 75 or 50 yards from the wall and he just stopped. And I said, Mike, are you going up there? And he said, Not right now. And then he stood there and stared at that wall and cried. And it

took him a long time before he approached that wall because, as he said, there were too many names on that wall that he missed and loved.

That wall means that kind of thing to our Vietnam veterans. And for someone to go out and deface the honor of these fallen heroes whose names were carved on that wall is intolerable. I too hope the Park Service finds these people and prosecutes them to the full extent of the law because this is a shame. It's not only a shame to our national monument, which is against the law, but it is a shame to our national honor that this happened. And that is why I brought this bill forward.

I want to note that there are others who feel the same way, and many of them are here today and I am thankful for them. The Gathering of Eagles and the AMVETS posted a $5,000 reward to try to find out who did this defacing of the wall. That's how much it means to them.

This act of vandalism cannot be tolerated, should not be tolerated. And by passing this resolution, we will reaffirm to our veterans who fought the war in Vietnam that they did it with honor, they did it with principle, and we respect them as our warriors who did their job and should have been treated accordingly with honor when they came home. We need to continue to honor our Vietnam vets. That's why I feel this resolution is so important. And I hope it will be passed unanimously by this House.

The Vietnam Veterans Memorial serves as a memorial to the 2,700,000 men and women in the United States Armed Forces who served in the designated war zone during the Vietnam Era.

While serving in Southeast Asia or as a result of their wounds or a service-connected disability, 58,256 men and women died.

On Friday evening, September 7, 2007, the United States Park Police reported being notified of a light, oily, and unidentified substance that was spilled over portions of some of the names, panels, and paving stones of the Vietnam Veterans Memorial.

At least 14 of the 140 inscribed panels of the Memorial Wall were damaged.

The National Park Service has determined that the damage was the result of an act of vandalism.

Thank the Gathering of Eagles organization and AMVETS for bringing attention to this crime through the $5,000 reward they are offering and by spreading the word to their members.

Mr. FILNER. Mr. Speaker, I look forward to hearing the words of our great Vietnam hero, Mr. JOHNSON, who was, of course, a POW in Vietnam for many, many years. But I will let Mr. BOOZMAN introduce him.

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

Mr. BOOZMAN. Mr. Speaker, I am proud to yield 3 minutes to the gentleman from Texas (Mr. SAM JOHNSON), a true American hero who certainly can speak with authority on this subject.

Mr. SAM JOHNSON of Texas. Thank you, Mr. BOOZMAN, and thank you, Chairman FILNER. I appreciate your bringing this to the floor. It's an important piece of legislation. And I think what everyone has said is absolutely true.

Mr. Speaker, as a former POW in Vietnam for nearly 7 years, and I was there for two tours too, Mr. BOSWELL and I both, I find this vandalism unconscionable and un-American. Why on Earth would someone want to reignite the pains of the past?

Defacing the wall was the ultimate act of cowardice. Why anyone would want to destroy a sacred monument in Washington, DC. is beyond me.

Even though I did two tours in Vietnam, I spent most of my time in captivity. I didn't get to know a lot of the brave men and women who died in action, those who have their names etched into the shiny, marble dark wall.

But I did get to know a great American very well. His name is Ron Storz, a lieutenant colonel in the Air Force and a fellow fighter pilot.

Originally from New York, Ron was shot down on April 28, 1965. I was shot down barely a year later, on April 16, 1966.

Because our captors tried to blame a handful of us for overthrowing the Vietnamese Government, they labeled us diehards. They threw 11 of us in solitary confinement in adjacent cells. Of the 11 of us, only 10 came home. Our captors killed Ron Storz after he went on a hunger strike.

It breaks my heart to think that someone would senselessly harm and deface the names, the honors, the legacies of great patriots like Ron.

You can find Ron's name on panel 1 of the east wall.

I deeply hope and pray the loved ones of those men and women memorialized on the wall know we remember their selfless family members and thank them for their dedicated service and ultimate sacrifice. These men and women listed on the wall all demonstrate why America is the land of the free and the home of the brave. These valiant warriors fought to protect and defend this great Nation, and we should not allow someone to tarnish their good names, and we must condemn this vandalism.

I thank you both.

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

Mr. BOOZMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Minnesota, Colonel KLINE.

Mr. KLINE of Minnesota. I thank the gentleman for yielding.

I, like my colleagues, have come here today to condemn in the strongest possible terms the actions which damaged the Vietnam Veterans Memorial.

And as always when I am in the same room with my colleague Mr. JOHNSON from Texas, I am humbled to be in the presence of a real hero of the Vietnam War. And I don't know that I can add to the passion and to the caring that he has already conveyed for us, but I just have to say that I can't remember being so outraged by such a cowardly act.

Visitors from around the world who come to visit the Memorial are moved by the simple but powerful image of the etched granite wall. For those of us who served in Vietnam, however, the names on the wall hold an even stronger significance. Those names bolster our sometimes failing memories of the friends and comrades who didn't return with us.

It is with these memories in minds that I express my complete, my total, utter outrage at this recent desecration. The person or persons who did this have violated a sacred trust, and I consider their actions deplorable. Their cowardice, yes, their cowardice, stands in sharp contrast to the bravery and valor of those for whom this memorial was erected, and we as a country will simply not tolerate such behavior. Just as we honor and pay tribute to those who served and sacrificed so much, so too must we condemn, we as a Congress, we as a people, we as a Nation, those who would denigrate that sacrifice through such cowardly actions.

If there are those who applaud or somehow justify this desecration, I would only remind them of the hypocrisy of their beliefs and their actions. Our freedom was won and maintained by brave men and women such as those honored on this wall, and we should all hold them reverently in our hearts.

Mr. Speaker, I want to thank my colleague Mr. CARTER for bringing this important resolution to the floor, to the chairman and ranking member of the committee for bringing it to the floor.

I encourage my colleagues to support this bill. Let's support it unanimously.

Mr. BOOZMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise to join my colleagues today to condemn in the harshest terms possible the vandalism that scarred the Vietnam Veterans Memorial a few weeks ago.

My district in Florida is home to the second most veterans of any Member of this body, with more than 105,000 veterans and their dependents residing there.

□ 1345

I also serve on the House Veterans' Affairs Committee. So many brave soldiers, marines, Navy men, airmen who fought with bravery over in the Southeast to stop the spread of communism and to protect American interests live in my district. For those brave troops throughout our great Nation who perished in the line of fire, their names are forever marked on the Vietnam Veterans War Memorial here in Washington, DC. That anyone would deface the wall and desecrate the memory of these fine soldiers is beyond anyone's comprehension.

As someone who grew up in the Vietnam era and someone whose brother

and cousin and other family members served honorably and, thankfully, came home safely, I know firsthand the sacrifices these soldiers made, physically and emotionally, during their periods of service.

While thousands of our troops perished in the jungles of Vietnam and had their names inscribed on the wall, tens of thousands more came home to their families and loved ones. These are the people who deserve to be the most outraged by the vandalism that took place, the families, friends and fellow soldiers of the deceased, who make pilgrimages to the wall to pay respects and honor those who gave the ultimate sacrifice for our great Nation.

I commend Judge CARTER for bringing this resolution to the floor today. And I thank him for doing his part to honor the memory of those who fought and died in Vietnam.

We all hope that the individuals who perpetrated this crime will be caught and prosecuted to the full extent of the law and that, clearly, something like this would never happen again.

Mr. BOOZMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. I thank the gentleman for yielding.

General Westmoreland said: ''I do not believe that the men who served in uniform in Vietnam have been given the credit they rightfully deserve. It was a difficult war against an unorthodox enemy.'' I agree with General Westmoreland, especially in light of those events when, last month, Vietnam veterans were dishonored when outlaw vandals desecrated the memorial.

I want to thank my colleague, Judge CARTER, for introducing this resolution that deplores this despicable act. I'm glad to be a cosponsor of it.

It has also been said that in this war, Vietnam War, ''all gave some, and some gave all.'' And the Vietnam Veterans War Memorial lists the names of over 58,000 Americans who gave all for their country. And of course the men and women who sacrificed their lives in Vietnam deserve better than what happened to the memorial that honors them.

The thugs who desecrated the wall ought to be tracked down and be brought to justice because justice is the one thing we should always find. I certainly know what I would do to them if I were still on the bench, and I'm sure Judge CARTER would like to do the same if he caught them. Be that as it may, they should be brought before the bar of justice.

Many of the friends that I grew up with in Texas served in Vietnam, and there are five of their names on that wall. We can honor them today by passing this resolution and demanding justice.

It has been said that in the Vietnam War it cost our troops everything, and it cost the American public almost nothing. It's time for the American public, by standing up for this resolution, to stand up for our troops and honor their memory in Vietnam.

Mr. BOOZMAN. Mr. Speaker, I know that all of us look forward to passing this very important resolution. I want to thank Judge CARTER for bringing it forward. And then also a special thanks to Mr. FILNER, chairman of the Veterans' Affairs Committee, and Ranking Member BUYER, in expediting it and getting it on the floor.

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

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 680.

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

There was no objection.

Mr. FILNER. Mr. Speaker, I thank Mr. CARTER. I thank all the Members who spoke on this legislation. It is an important bill. But I must say, we ought to go further than this resolution.

Mr. POE said voting for this resolution means we're standing up for our troops. Well, I just spoke recently to the Annual Convention of the Vietnam Veterans of America. I'll tell you what they define as standing up for our troops—and there will be legislation embodying all of this soon. It would mean that we would look at the 200,000 Vietnam vets who are on the street homeless tonight and solve that moral blot on our record.

Most of us go to Stand-Downs every year, where the whole community comes around for 3 days and provides security and comfort, medical attention, dental health, legal assistance, clothes for the homeless vets in that community. The community comes together and has a holistic approach of drug and alcohol abuse and job counseling. So we know what to do for those 3 days. But the last five or eight Stand-Downs that I've addressed I said, I'm tired of coming to Stand-Downs. We should have Stand-Downs 365 days a year. That's what the Veterans Administration ought to do. With a $100 billion budget, you would think we could take care of the Vietnam vets who are homeless. That would be standing up for the troops.

In addition, many of them have been fighting for decades to get compensation for an agent orange disability. And the law, while we have extended the areas to which presumption applies and give these brave veterans health care and disability compensation, there is still too many areas that are not awarded a claim.

At this stage (I would like to talk to Mr. JOHNSON later about this), I would say all these agent orange claims, if they have medical backing and help by a veteran service officer, are presumptive, and have them stop fighting after all these decades and get the care and attention that they need.

I will tell you, I have just got a list of 500 veterans from one State, Vietnam vets, who got Parkinson's disease in their early fifties. That's way earlier than the average age of on set for the general population. So it's obviously Vietnam that was the cause. Yet the law says there is no proof that agent orange caused Parkinson's or Lou Gehrig's disease, and so they're shut out. That's a shame. They served us; we should serve them. Let's grant all these agent orange claims.

And we ought to, according to the representatives at the convention, give the status of ''mandatory'' or ''assured funding'' to the health care for our veterans. Right now, health care in our budget is called ''discretionary.'' We fight over it every year, Democrats, Republican, House, Senate, VA Committee versus everybody. We should not play politics with veterans health care, and we should have a guaranteed mandatory budget.

Those are the things that would really tell our Vietnam vets that we care about them. So let's pass this resolution. The wall is, as we've heard today, so important to our memories, to our healing, to those brave men who fought for us. But let's go further and really give the Vietnam vets a thank you and pass legislation that will not only end homelessness and grant the agent orange claims, but give mandatory funding for the VA health care budget.

Mr. BUYER. Mr. Speaker, I rise today in strong support of H. Res. 680 condemning the act of vandalism on the Vietnam Veterans Memorial last month. On the evening of September 7th vandals dumped an oily substance, which damaged 14 of the 140 black granite panels commemorating the lives of more than 58,000 men and women killed or missing during the war. The substance has been cleaned up, however I believe it is important for the American people to know what happened to this sacred shrine.

Mr. Speaker, while no one has yet been connected with the vandalism, anti-war protesters earlier this year defaced other Washington landmarks. In January, protesters spray painted a Capitol terrace. Protesters later defiled the Lone Sailor statue at the United States Navy Memorial. This pattern of attacks is a national disgrace.

When I stand before the Wall and look on those names, I feel great humility in the presence of what this memorial represents. These men and women died so that our very way of freedom might endure. I call upon the coward or cowards who defiled this shrine to come forward and accept responsibility, or go back under the rock from which they came. It is an obscene perversion that others would creep out in the dark of night to deface the memory of heroes. The memory of these patriots endures in our hearts, whatever hateful attacks vandals may attempt.

I would like to thank my colleague Representative JOHN CARTER of Texas for introducing this important legislation, and I thank the House leadership for bringing it to the floor.

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

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 680.

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

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

The yeas and nays were ordered.

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

SUPPORTING AND ENCOURAGING GREATER SUPPORT FOR VETERANS DAY EACH YEAR

Mr. FILNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 237) supporting and encouraging greater support for Veterans Day each year.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 237

Whereas veterans of service in the United States Armed Forces have served the Nation with honor and at great personal sacrifice;

Whereas the American people owe the security of the Nation to those who have defended it;

Whereas on Memorial Day each year, the Nation honors those who lost their lives in service to the Nation;

Whereas on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;

Whereas the observance of Memorial Day and Veterans Day is an expression of faith in democracy, faith in American values, and faith that those who fight for freedom will defeat those whose cause is unjust;

Whereas section 116(a) of title 36, United States Code, provides that ''The last Monday in May is Memorial Day'' and section 116(b) of that title requests the President to issue a proclamation each year calling on the people of the United States to observe Memorial Day by praying, according to their individual religious faith, for permanent peace, designating a period of time on Memorial Day during which the people may unite in prayer for a permanent peace, calling on the people of the United States to unite in prayer at that time, and calling on the media to join in observing Memorial Day and the period of prayer;

Whereas section 4 of the National Moment of Remembrance Act (Public Law 106–579) provides, ''The minute beginning at 3:00 p.m. (local time) on Memorial Day each year is designated as the 'National Moment of Remembrance' ''; and

Whereas Section 6103(a) of title 5, United States Code, provides that ''Memorial Day, the last Monday in May'' and ''Veteran's Day, November 11'' are legal public holidays: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages Americans to demonstrate their support for veterans on Veterans Day each year by treating that day as a special day of reflection;

(2) encourages schools and teachers to educate students on the great contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces and after completing their service; and

(3) requests that the President issue a proclamation each year in connection with the observance of Veterans Day calling on the people of the United States to observe that day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I would yield for as much time as he may consume to the author of this legislation, an Army veteran of the Vietnam era, the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in support of H. Res. 237.

I want to thank Representative FILNER for his commitment to this resolution in support of our veterans. And I say ''the support of our veterans.'' As a veteran myself who served in both the 101st and 82nd Airborne Division, I am proud to stand with our brave men and women.

Today, there are over 23 million veterans living in the United States; 165,000 in Iraq and Afghanistan. In my district, we have over 32,000 veterans. There are also many veterans who serve in Congress, and I want to thank those Members who have served this country. And I salute each and every one of the Members who have served our country.

To my fellow veterans, I commend you for your service. When our troops commit to serve our country, they make a promise to serve and to protect this country.

We also have a moral responsibility to protect the returning veterans and their families. Veterans returning from Iraq and Afghanistan must receive the best treatment. Sadly, for the last few years, I don't believe that our government has held its end of the bargain. The conditions at Walter Reed show us that in many cases our veterans are not receiving the care they deserve. This resolution reminds us that Veterans Day is not just a day off from school or work. This is a special day of reflection to honor those who have defended our country.

I visited Israel a few years ago. There I learned how truly they respect and honor veterans in that country. Israel calls for 1 minute of silence across the whole country. The country's emergency siren goes off at 10 a.m., and all TV and radio stations are also interrupted and programs sounding the alert. Everyone then stops whatever they are doing, working, driving, anything else, and stands in silence for those heroes who have served their country. That's paying respect.

My resolution also encourages schools to educate our young people about the contributions of our veterans to this country because they ultimately have made the sacrifice for the freedoms that they have to be in school and to be all that they want to be.

This year, as Chair of the Congressional Hispanic Caucus, I have worked closely with Hispanic veterans and the Medal of Honor veteran winners from World War II until today. The stories of courage and sacrifices I've heard from them were nothing short of amazing. They deserve to be recognized and thanked, as well as every veteran who has served our country.

I also believe a special thanks is necessary to the veterans and military families that are left behind. Too often we forget about the families and veterans who are left behind. They have sacrificed so much for their loved ones and for America, for America that we stand up with, America that we have always been with. You are the support system and the backbone for all of these veterans.

On November 11, on Veterans Day, do not forget those who are the true heroes of this country. Reflect on the true meaning of Veterans Day, and remember the sacrifices made by so many proud American sons and daughters that we will honor on that day.

I urge my colleagues to support this resolution. Veterans Day is about our heroes.

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

Mr. Speaker, I take great pleasure in urging my colleagues to support House Resolution 237, urging all of America to make a special effort to honor America's veterans on November 11, introduced by a veteran of the Vietnam War, the Honorable JOE BACA.

This resolution reminds each of us of the debt we owe to those whose sacrifices have made America the beacon of freedom throughout the world. America's holidays remind us of important events and persons in our Nation's history. It is significant that veterans are honored with two holidays that recognize the important role of those who wear the uniform.

□ 1400

Veterans have assaulted heavily defended beaches, jumped from aircraft under heavy fire, shivered in frozen foxholes, slogged through malaria-ridden jungles, and endured horrible abuses as prisoners of war. Veterans have survived incredible hardships, they have suffered wounds, and far too many have paid the ultimate price of freedom. They have often experienced long separations from families, and they serve in the outposts of freedom while their fellow citizens enjoy the fruits of everyday life in America. Each of them, from the Army or Marine infantrymen on patrol, to the sailor deep in the bowels of an aircraft carrier, to the airmen miles above the ground sets an example for the rest of us.

Mr. Speaker, I think it is important to recall how Veterans Day came to be. In 1921, an unknown World War I American soldier was buried in Arlington

National Cemetery. This site on a hillside overlooking the Potomac River and the City of Washington became the focal point of reverence for America's veterans. Similar ceremonies occurred earlier in England and France where an unknown soldier was buried in each of the nation's highest place of honor, in England West Minster Abby, in France the Arc de Triomphe.

These memorial gestures all took place on November 11, giving universal recognition to the celebrated ending of World War I fighting at 11 a.m., November 11, 1918, the 11th hour of the 11th day of the 11th month. The day became known as Armistice Day. The first celebration using the term ''Veterans Day'' occurred in Birmingham, Alabama, in 1947.

Raymond Weeks, a World War II veteran, organized National Veterans Day, which included a parade and other festivities to honor all veterans. The event was held on November 11, then designated Armistice Day. Later, U.S. Representative Edward Rees of Kansas proposed a bill that would change Armistice Day to Veterans Day. In 1954, Congress passed the bill that President Eisenhower signed proclaiming November 11 as Veterans Day. Raymond Weeks received the Presidential Citizens Medal from President Reagan in November 1982. Weeks' local parade and ceremonies are now an annual event celebrated nationwide.

Mr. Speaker, I again suggest this most fitting of resolutions is worthy of unanimous support for my colleagues. As Mr. FILNER said in the previous bill, we need to go further.

Mr. Speaker, there is no better way to honor our veterans on Veterans Day than to ensure funding for their medical care and other benefits. That is why I call on my friends on the other side of the aisle to appoint conferees for the Military Construction and VA appropriations bill.

We are almost a month into the new fiscal year and there is no practical reason that this bill cannot pass and become law. It won't be long before this apparent political ploy will begin to affect the care our Nation's warriors receive. Let's appoint conferees and ensure that the VA can continue to give our veterans the excellent care that they deserve.

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

Mr. FILNER. Mr. Speaker, I would yield such time as he may consume to our Vietnam aviator, Mr. BOSWELL of Iowa.

Mr. BOSWELL. Thank you, Chairman FILNER, and all of you who have worked on veterans events this day and these last several months. We appreciate it very much.

Mr. Speaker, as veterans we know the sacrifice that our servicemembers pay each day. Whether currently deployed in Iraq, Afghanistan, Korea, or wherever they might be around the world, serving on active duty or serving in the Army Reserves or on the National Guard, our men and women in uniform sacrifice for our freedom.

Oftentimes when we speak of our key military assets we are referring to the carriers and the stealth bombers and the tanks or the fighter planes. Well, while those are all impressive, none are more impressive than our brave men and women in uniform. I think, in fact, I know, they are our greatest military asset. The men and women who serve our Nation are the best educated, trained and equipped fighting force in the world. Because of this, I am proud to stand with my colleague (Mr. BACA) and all the rest of you to encourage communities and schools around the country to recognize the contributions veterans have made to our country and to our history.

It is often said, but we will say it again, a grateful Nation will always remember those who sacrifice so much in preserving our freedom. If we are to continue to have the very best of our Nation serve, we must continue to give them assurances that their service will not be forgotten. By granting all veterans who served before them the recognition, care and respect promised, tomorrow's veterans will have the reassurance in knowing their future needs will be addressed.

I am very proud to stand here to cosponsor this bill today and encourage the House to pass H. Res. 237. Honor Veterans Day. It's something we have a privilege to do.

Mr. BOOZMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in strong support of the resolution offered by Representative BACA of California. I applaud him for bringing this resolution to the floor today and I am very proud to support his efforts.

With a district with so many veterans, I can honestly stand here today and tell you that Veterans Day in my district is on par with the love of God, mom and apple pie. Almost every town and municipality in the eight counties that make up my congressional district goes out of their way to hold a public event celebrating the accomplishments of our Nation's veterans.

Traveling around my district, I have met literally thousands of men and some women who recount their stories of military service with pride and with joy. They tell of the bravery of their comrades, of the sacrifices to protect the innocent and the weak and the memories of those killed in action.

The resolution before us, House Resolution 237, is a good sense of the House that encourages the celebration of Veterans Day. Veterans Day is not just another day to go to the mall or look for Veterans Day sales but, rather, to honor those who have served our country.

These brave soldiers fought for our freedoms and the liberties of our Nation around the world, including France, England, Poland, Vietnam, Korea, Kuwait, Iraq and Afghanistan. The actions of the American military throughout the history of our Nation have helped advance the cause of freedom around the globe and protect citizens from attack from foreign powers, and today from attacks from terrorists.

Mr. Speaker, I encourage every American to adopt the spirit of this resolution in celebrating Veterans Day and show our veterans how much we appreciate their sacrifice and the time served. May God bless our soldiers and our veterans.

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

Mr. BOOZMAN. Mr. Speaker, in closing, again, I encourage everyone, certainly we are all anxiously awaiting to get to vote ''yes'' on this very, very important resolution. I want to thank Mr. BACA for bringing this to our attention and doing the work that it took to get it on the floor. A special thanks to Chairman FILNER, Mr. BUYER, again, for working together and getting all of the bills that we have done today on the floor. I think it represents a tremendous amount of work. As always, I want to thank the staffs on both sides who worked so hard in preparing these things and actually getting it to fruition.

So with that, again, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 237.

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

There was no objection.

Mr. FILNER. Mr. Speaker, this is an important resolution, and we have heard the many reasons why, and I thank Mr. BACA for bringing this resolution to the floor. But after we give our speeches on Veterans Day, after we have given all the tributes, let's come back and do some real work that we have to do to really honor our veterans.

I agree with the gentleman from Arkansas. Let's pass that appropriations bill. If you add the money that is in the appropriations bill for 2008 with the continuing resolution we did earlier this year and the supplemental resolution we did earlier, we have added more than $13 billion for the health care of our veterans for this year over last year. That is a 30 percent increase. That is unprecedented in the history of the VA and will put in place all the programs that many of us want and know that they are needed, deserved and earned.

But let's go further than that. Let's pass together a GI Bill for the 21st century, a bill that not only increases the benefits to a realistic fashion for education and home loans, but brings in

the Guard and Reserve units to be eligible for the GI Bill's benefits. They are doing half the fighting in Iraq and yet do not have full benefits when they return home. So let us include the Guard and Reserve.

Let us include an absolute right to mental health treatment. We cannot neglect mental health, PTSD (post traumatic stress disorder), and other mental conditions. While we can deal with the visible wounds a lot easier, we cannot forget the invisible ones.

Let us work together to end that atrocious claims backlog. Over 600,000 claims for disability compensation are pending at the VA. People have died while waiting for their claim to be adjudicated. Others have lost their home because they didn't have the income. We can cut through that bureaucracy, not just add, as the budget has, 1,000 more people, but really look at a whole new way, a nonadversarial way of dealing with the claims for disability. We can do that.

For too many people, VA means ''veterans adversary.'' VA should mean ''veterans advocate''. We can do that. Let us make sure that every young man and woman that comes back from Iraq and Afghanistan is diagnosed for both traumatic brain injury and PTSD, post traumatic stress disorder. We are going to let tens of thousands of young men and women out of the service without adequately understanding these wounds, some of whose symptoms are invisible for some time. They are ticking time bombs that, coming back to society, will create enormous problems for our social structure. So let's diagnose it. Let's treat it early. Let's bring the family in. Let's make sure that we have treated the mental illness that is so prominent in a war like this that we are unfortunately pursuing.

Let us end homelessness for our veterans in America. We can do this. This is not rocket science. We know what it takes. We have all, as I said earlier, been to Stand-Downs. We know how to bring the community together to give homeless veterans the support they need to reintegrate. And I tell you, we are already seeing the problems that we saw in Vietnam. We have suicide rates of our current vets that are the highest rates since Vietnam. We have homeless Iraqi vets on the street. So let us not make the same mistake again that we did in Vietnam, but let us remember we have both new veterans and older veterans. We have to serve both. This Nation can do it, we should do it, and working together, we will do it.

Each year on Veterans Day, Americans come together to honor our Nation's heroes: the 25 million veterans that have served our country.

House Resolution 237 encourages Americans to demonstrate their support for veterans. It is important to let these heroes know that this grateful Nation honors their service to our country.

On this 88th Veterans Day, I urge all Americans to take the time to show appreciation to those who have answered the call to duty.

Although, we can never adequately thank them for their service and sacrifice to our Nation, today, on Veterans Day and everyday, we can humbly salute our brave veterans and soldiers.

Our nation has a proud legacy of supporting the men and women who have worn the uniform in defense of this country.

As a nation, we have a sacred pact with all those who served in uniform and we owe them a debt of gratitude.

Our country is founded on the principles of democracy, American values and faith that those who fight for freedom will defeat those whose cause is unjust.

I know I speak for the Nation when I say that we stand united behind our courageous men and women in uniform.

We must be united in seeing that every soldier, sailor, airman and marine is welcomed back with all the care and compassion this grateful Nation can bestow.

No other group of Americans has stood stronger and braver for our democracy than our troops and veterans.

Veterans Day should not be observed just once a year—our Nation's heroes must be celebrated, honored and remembered for their service to our Nation—the whole year through.

Veterans have kept their promise to serve our Nation—and we, as a free and democratic country, must keep our promises to our veterans.

As Chairman of the Veterans' Affairs Committee, it is my honor to serve the veterans of this Nation and I encourage my fellow Americans to do the same.

I encourage all Americans to reach out to veterans. Thank them and their families for their amazing sacrifice. Learn more about their great contributions to our country and gain the wisdom of their personal stories of our nation's history.

Americans have learned, again, the truth behind the inscription on the Korean War Memorial—''Freedom is not free.'' And no one has paid a higher price and sacrifice for our freedom than our veterans.

Pause to remember the noble service and high sacrifices of those who have worn this Nation's uniform.

On Veterans Day and the whole year through, join me and take the time to show your gratitude to those who have answered the call to duty.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of the proceedings or any audible conversation is in violation of the rules of the House.

The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 237.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1415

THIRD HIGHER EDUCATION EXTENSION ACT OF 2007

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3927) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3927

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 ''Third Higher Education Extension Act of 2007''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''October 31, 2007'' and inserting ''April 30, 2008''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) and the College Cost Reduction and Access Act of 2007 (P.L. 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Florida (Mr. KELLER) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 3927, a bill to extend the Higher Education Act through April 30, 2008. This bill is very straightforward. It simply extends the current programs authorized under the Higher Education Act until April 30, 2008, giving us the time to fully consider and complete the reauthorization.

Mr. Speaker, we are making progress. With bipartisan support and the President's signature, we are making a historic investment in student financial aid in the College Cost Reduction and Access Act. We have also laid the groundwork to reauthorize the other core higher education programs, including teacher preparation, developing and strengthening institutions, college readiness and outreach programs, international education programs, graduate education, and many others.

The Higher Education Act was due to be reauthorized during the 108th Congress. It was not completed. The 109th Congress also failed to reauthorize this act. Given the length of time that has elapsed between when the Higher Education Act should have been reauthorized and today, we believed that it was critical that the 110th Congress and the stakeholders in the higher education community take a fresh look at the law and the recommendations to improve it.

We have held a series of congressional hearings covering the core issues of access, affordability, college preparation, teacher preparation, and institutional capacity. We put out a call for recommendations and received over 85 responses from individuals and organizations from across the Nation. I am looking forward to working with all my colleagues to produce a strong reauthorization that will earn broad support.

Mr. Speaker, I would also like to thank Congressman MCKEON, the ranking member of the full committee. I would like to thank Congressman RIC KELLER, the ranking member of the Subcommittee on Higher Education, Lifelong Learning and Competitiveness. Also, I wish to thank Chairman GEORGE MILLER for working together with all of us to expedite this extension. I urge all my colleagues to support this legislation, H.R. 3927.

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

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

Mr. Speaker, I rise in support of H.R. 3927, a measure to extend programs under the Higher Education Act, which are set to expire at the end of this month, for an additional 6 months. This is a clean extension. This will simply change the date required to reauthorize this law from October 31, 2007, until April 30, 2008. I thank my committee colleagues, Chairman MILLER, Chairman HINOJOSA, and Ranking Member MCKEON, for their work on this bill, as well as their consistent efforts on behalf of our Nation's college students and their families.

Mr. Speaker, while I support the extension of the Higher Education Act, I also believe that we need to get on with it at this point and reauthorize this important law. The last time this law was authorized was when President Bill Clinton was in office back in 1998, and it expired in 2004.

We need to work in a bipartisan way to finally reauthorize the Higher Education Act. Republicans on the House Education Committee recently took a positive step in this direction by introducing H.R. 3746, The College Access and Opportunity Act of 2007. This bill is an updated version of H.R. 609, the Higher Education reauthorization bill that passed the House last Congress but was not taken up by the Senate. H.R. 3746 would strengthen the Pell Grant program by providing for year-round Pell Grants, and it would address college affordability by providing transparency in college costs, among other things.

I hope that we will move forward with the Higher Education Act reauthorization in a bipartisan and thoughtful manner. I look forward to working with Ranking Member MCKEON and Chairmen MILLER and HINOJOSA and all of my colleagues on the Education and Labor Committee in completing our work in the coming months. In the meantime, however, I urge my colleagues to join with me in supporting this extension.

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

Mr. HINOJOSA. Mr. Speaker, as my colleague RIC KELLER pointed out, the last reauthorization took place back in 1998. If we are able to get it done this year, it will have been almost 10 since that reauthorization. For me, having served 11 years in Congress, I have had quite a learning curve. I have learned the importance by listening to presidents and chancellors of many of the institutions of higher learning and realize the importance of us getting this job done this session.

Mr. Speaker, it is extremely important because we are trying to raise the number of students who will be college ready. We must have programs that are going to fill the need that we have in our country for teachers, for scientists, for mathematicians, for all of the different fields that are necessary for our country to enjoy its prosperity.

I am working hard with my colleague RIC KELLER so that the Higher Education Act is completed on a timely basis, and one that is going to serve us for the next 6 years.

With that, I reserve the balance of my time and would like to ask the gentleman from Florida if he has some other speakers.

Mr. KELLER of Florida. Mr. Speaker, I have no other speakers and I am prepared to close at this time.

Mr. Speaker, I just want to urge all of my colleagues to vote ''yes'' on H.R. 3927. We believe that a college education opportunity is the passport out of poverty for so many worthy young people. I urge my colleagues to support this extension and then later to work together in a bipartisan manner to reauthorize the Higher Education Act.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill, H.R. 3927.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

Concurring in the Senate amendment to H.R. 327, by the yeas and nays;

H.R. 1808, by the yeas and nays;

H. Res. 680, by the yeas and nays.

The vote on H.R. 1955 will be taken later today.

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

JOSHUA OMVIG VETERANS SUICIDE PREVENTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 327, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 327.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 987]

YEAS—417

Abercrombie	Brown (SC)	Davis (IL)
Ackerman	Brown, Corrine	Davis (KY)
Aderholt	Brown-Waite, Ginny	Davis, David
Akin	Buchanan	Davis, Lincoln
Alexander	Burgess	Davis, Tom
Allen	Burton (IN)	Deal (GA)
Altmire	Butterfield	DeFazio
Andrews	Buyer	DeGette
Arcuri	Calvert	Delahunt
Baca	Camp (MI)	DeLauro
Bachmann	Campbell (CA)	Dent
Bachus	Cannon	Diaz-Balart, L.
Baird	Cantor	Diaz-Balart, M.
Baker	Capito	Dicks
Baldwin	Capps	Dingell
Barrett (SC)	Capuano	Doggett
Barrow	Cardoza	Donnelly
Bartlett (MD)	Carnahan	Doolittle
Barton (TX)	Carney	Doyle
Bean	Carter	Drake
Becerra	Castle	Dreier
Berkley	Castor	Duncan
Berman	Chabot	Edwards
Berry	Chandler	Ehlers
Biggert	Clarke	Ellison
Bilbray	Clay	Ellsworth
Bilirakis	Cleaver	Emanuel
Bishop (GA)	Clyburn	Emerson
Bishop (NY)	Coble	Engel
Blackburn	Cohen	English (PA)
Blumenauer	Cole (OK)	Eshoo
Blunt	Conaway	Etheridge
Boehner	Conyers	Everett
Bonner	Cooper	Fallin
Bono	Costa	Farr
Boozman	Costello	Fattah
Boren	Courtney	Ferguson
Boswell	Cramer	Filner
Boucher	Crenshaw	Flake
Boustany	Crowley	Forbes
Boyd (FL)	Cuellar	Fortenberry
Boyda (KS)	Culberson	Fossella
Brady (PA)	Cummings	Foxx
Brady (TX)	Davis (AL)	Frank (MA)
Braley (IA)	Davis (CA)	Franks (AZ)
Broun (GA)		Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
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
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
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
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 (AK)

NOT VOTING—15

Bishop (UT)
Carson
Cubin
Feeney
Hastert
Hunter
Jindal
Johnson, E. B.
McKeon
Paul
Reyes
Rothman
Snyder
Wilson (OH)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1449

Mr. HALL of New York changed his vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CHARLIE NORWOOD DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1808, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1808.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 988]

YEAS—417

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)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (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
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
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
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
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
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)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
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 (AK)

NOT VOTING—15

Bishop (UT)
Carson
Cubin
Feeney
Gutierrez
Herger
Hunter
Jindal
Johnson, E. B.

McKeon
Paul
Reyes
Snyder
Wilson (OH)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1458

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING THE ACTIONS OF SEPTEMBER 7, 2007, RESULTING IN DAMAGE TO THE VIETNAM VETERANS WAR MEMORIAL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 680, 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 California (Mr. FILNER) that the House suspend the rules and agree to the resolution, H. Res. 680.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 989]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (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
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
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
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
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
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)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
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 (AK)

NOT VOTING—14

Bishop (UT)
Bonner
Carson
Cubin
Feeney
Hunter
Jindal
Johnson, E. B.
McKeon
Paul
Reyes
Snyder
Wilson (OH)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1505

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. BONNER. Mr. Speaker, due to an error, I failed to cast a vote on rollcall 939. Had I cast a vote, I would have voted "yea" on rollcall 989.

PROVIDING FOR CONSIDERATION OF H.R. 1011, VIRGINIA RIDGE AND VALLEY ACT OF 2007

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 763 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 763

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1011) to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, 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. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; (2) the amendment printed in the report of the Committee on Rules, if offered by Representative Goodlatte of Virginia or his designee, which shall be in order without intervention of any point of order (except those arising under clause 9 or 10 of rule XXI) or demand for division of the question, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1011 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Mr. CARDOZA. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas, my friend, Mr. SESSIONS.

All time yielded during the consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 763.

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

There was no objection.

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

House Resolution 763 provides for consideration of H.R. 1011, the Virginia Ridge and Valley Act of 2007, under a structured rule. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Natural Resources.

The rule makes in order the substitute reported by the Committee on Natural Resources and makes in order the amendment from the gentleman from Virginia (Mr. GOODLATTE), the only amendment which was submitted to the Committee on Rules for consideration on this rule.

The rule waives all points of order against consideration of the bill, except for clause 9 and 10 of rule XXI. Finally, the rule provides one motion to recommit with or without instructions.

The bill before us today, H.R. 1011, designates 43,000 acres as wilderness and nearly 12,000 acres as national scenic areas in the Jefferson National Forest in southwestern Virginia. The areas in the Jefferson National Forest that are protected by this bill are some of the most beautiful areas of the country. The areas offer numerous recreational activities, including fishing, hunting, hiking, camping, canoeing, horseback riding and skiing. These areas are virtually priceless and provide much-needed opportunities for visitors and families to spend time in the great outdoors and enjoying America's natural beauty.

H.R. 1011 ensures that critical habitat for bears, song birds, wild turkeys, brook trout, and other species, in addition to preserving countless stands of old growth, a 45-foot cascading waterfall, and breathtaking scenic views that encompass wide areas. Preserving this habitat is also critical for the economy, as tourism is the fattest growing industry in the region.

Each of these areas contained in H.R. 1011 were either recommended as part of the Jefferson National Forest plan or have been endorsed by the relevant county boards of supervisors in the local areas. The bill has broad bipartisan support from five other Representatives from Virginia, both Virginia Senators, Governor Tim Kaine and four county boards of supervisors. Local businesses and State organizations, faith groups, the International Mountain Bicycling Association and local bear hunters also support this bill.

Finally, I would like to thank Chairman RAHALL and Mr. BOUCHER for their dedication and hard work in bringing this legislation to the floor today so that we can ensure that America's most treasured resources are protected once again for future generations.

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

Mr. SESSIONS. I thank the gentleman from California for yielding me time.

Mr. Speaker, I rise in opposition to this structured rule and to a number of provisions included in the underlying provision in its current form. I oppose this legislation because it substitutes the deliberate and long-studied recommendation of well-trained Forest Service professionals with a purely political congressional action by designating 27,000 additional acres, which are land in the Forest Service today, as wilderness, beyond the Forest Service recommendation of 16,000 acres in southwestern Virginia's Jefferson National Forest.

This means that despite having spent millions of congressionally appropriated tax dollars and investing tens of thousands in on-the-ground Federal employee hours on studying this issue, the Democrat leadership will simply override the Forest Service's well-reasoned decision to force this additional acreage into wilderness status. This also, despite the fact that many of the areas proposed in this legislation do not meet the standards of the 1964 Wilderness Act, including roads, utility corridors, mountain biking areas, and a Federal Aviation Administration tower. These should not be considered within wilderness area, and yet, today, that's exactly what is happening.

Today's bill makes private landowners to the area vulnerable to the Jefferson National Forest Plan ultimate goal of obtaining all private lands within these expanded wilderness boundaries, including 722 total acres of outstanding privately held mineral rights.

What is even worse is that thousands of acres in this proposed wilderness area are at high risk for wildfire and require mechanical thinning for proper fire risk mitigation. Many of these areas are next to the small communities that will be placed at even greater risk of catastrophic wild fires if this land is not managed properly.

□ 1515

So even as the threat posed by wildfires to American communities all across this country is fresh on our minds, as we watch with great concern and sympathy the unbelievable damage these wildfires are inflicting on Southern California, nonetheless, the Democrat leadership of this House has decided that the best course of action is to extremely limit and outright prohibit commonsense reduction activities across this Jefferson National Forest in Virginia.

Besides the private land owners and homeowners adjacent to this land, other losers created by this legislation include a number of animal species covered by the Endangered Species Act, including bats and bears. Currently, several of the proposed wilderness areas added by this legislation are professionally managed to maintain threatened endangered and sensitive species habitat. By passing the legislation under this rule, Congress will be preventing the Forest Service from using the equipment that they need to comply with the Endangered Species Act.

This makes no sense, Mr. Speaker. It makes absolutely no sense why this new Democrat majority throws aside not only the expressed opportunities that the Forest Service have given us to understand proper management, but they will override professionals who have studied this and do this for a living.

Perhaps worst of all, Mr. Speaker, because this draconian ''wilderness'' designation prevents any road or trails from being improved in these areas, a number of our Nation's most vulnerable populations such as the elderly and disabled will be effectively prevented from accessing and enjoying this piece of America under this bill. It absolutely makes no sense, Mr. Speaker.

I'm sorry we're having to be on the floor today to take this position, because the Republican Party is in favor of our national parks, is in favor of people utilizing our national parks, and we view these areas as very historic areas that we want to preserve and make right and keep them.

Mr. Speaker, this is bad public policy. I oppose this structured rule and the underlying legislation.

I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield 1 minute to the gentlewoman from California, an esteemed environmentalist and champion for our national resources, the Speaker of the House, Ms. PELOSI.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, and I thank him for bringing this rule to the floor that will enable us to vote for this important bipartisan bill which has broad support, H.R. 1011, the Virginia Ridge and Valley Act of 2007.

I commend our colleague, Mr. BOUCHER, for his persistent and relentless leadership on this legislation. In advancing this, Mr. BOUCHER, you have advanced the cause of protecting our existing wilderness, and all of us who care about the wilderness and our park lands are deeply in your debt.

As we come to the floor, though, today, Mr. Speaker, I do want to call additional attention of my colleagues that as we gather here this afternoon, wildfires are raging in my home State of California. The President has declared an emergency. I hope that it will

be limited to that. But the way the fire is raging, I'm afraid it may come to the point of a major disaster. The Governor of California, Governor Schwarzenegger, has just reported that 750 homes have been totally destroyed, 68,000 homes are endangered; 250,000 acres of land, an area the size of the entire City of New York, has been devastated by the fire, much of it wilderness areas. And in addition to that, 365,000 people have been evacuated from their homes.

In any consideration of what is happening there, it's very important to salute our firefighters for their courage and their tireless, tireless effort to end this fire, which is a tough battle because of the winds and, hopefully, they will die down soon. It is possible that if the fire continues to rage, we may have to appeal to the President to declare this a major disaster and therefore eliminate any capping of support that we would have for California, and that would have implications, as we know, for other fires that may occur in our country.

So this is when the American people look to government to step up to the plate and to be there for them. The firefighters are doing their share. The people are acting in a very responsible way in the evacuations. The local government is doing well, according to what the Governor says and, of course, the State of California has this as an emergency of the highest, highest order. So far they have been able to avail themselves of whatever is available from the Federal Government. We may have to expand on that if the fires continue to rage.

But to those who have suffered personal losses, whether it's the loss of a loved one, personal injury, loss of their homes and their communities, I extend the deepest sympathy and the fullest support as Speaker of the House of Representatives.

With that, again, I urge my colleagues to support Mr. BOUCHER's bipartisan legislation to protect the Virginia wilderness, and in advance of any needs that we may have for the wildfires in California, inform my colleagues of the extent of the damage that we know to date and the need that we have for support. This compact between the people and the Federal Government is never called upon more strongly than in time of a natural disaster of this kind.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentlewoman from California's words about the tragedies that are occurring. Not only for the past few days, but also, as always, anytime there's a wildfire, people who get in the way, the brave men and women of the National Park Service and others who go to help fight those fires, I know the Nation is at this time very focused on the lives and the property and the effort that is going on in California.

With great respect, I too, join the gentlewoman from California for expressing our sincere appreciation for the firefighters who are trying to battle and save the property and the lives in California.

Mr. Speaker, for perhaps the same reason that the gentlewoman from California has come down to join in this discussion today, perhaps with an opposite result, I, too, am down on the floor to talk about how wise management of our natural resources, of our Parks Service, is important. You don't have to go back really as far as Teddy Roosevelt to understand what Teddy Roosevelt saw, that this great Nation had the abundance of beautiful woodlands, hills, mountains, streams, the acreage included within that, the beautiful animals, the birds, the fish, the wolves that were a part of our landscape. And that's why national parks were created. National parks were created with an opportunity for the Federal Government to have a chance to allow people to come and see this great country, to see the beautiful country that we had.

As a young man growing up and scouting, I remember well the opportunity that I had to not only visit national parks, but a chance to get what is called the Forestry Merit Badge. And even back in 1965 or 1966, when I was receiving this badge, I remember, this is not the term that was used, best practices, but one has become used as a term of best practice and that is, wise management of our forests to not only sustain them, but to protect them, and to protect the animals and all that lives and counts on that forest surviving. We've learned these wise management techniques, not just in scouting to get the Forestry Merit Badge, but we have learned them through the years. We've learned that sometimes unwise management and doing things to our park system, in fact, caused more damage than it did good.

I remember back with the fires that we had in Yellowstone, how the National Park Service said just let it burn, it is a fire created by an act of God. But they really, as a result of that, learned that they had to learn a better practice to save millions of acres and millions of animals that could be destroyed.

Well, part of that best practice is what the National Park Service is attempting to do right now and has been attempting to do in this national park today. It is against their recommendation that politically we override the best practices, the best thoughts and ideas that people have who manage our park system, who do see the balance, who are there every day with the careful consideration.

By designating this area, an extensive amount of area, as wilderness, it means that arbitrarily, we're taking something that would never qualify under the intended statutes and add it in. I think this is unwise. This is how you do have problems. This is how you do have fires that burn out of control when you're not able to come in and protect the forest properly as a result of this designation. This is how you have problems when you're not able to take care of the endangered species that are in there and properly protect them, because it will have that wilderness designation.

And so with great respect for the same purpose that the gentlewoman from California came to notify us and to remember what America's paying attention to today, the wildfires in California, I would say we need that same sort of vision to avoid what could be in the time of drought or in the time of misdeed because of perhaps a lightning storm, something that's an unintended consequence, and that is to take this area and to move it into wilderness means that it will not receive or be able to receive the same kind of regular work that happens to protect these wilderness areas and national parks from destruction of a fire. I think it's a bad idea.

I think it's also a bad idea any time politicians in Washington, D.C. for political purposes decide to overrule common sense.

Mr. Speaker, at this time I would like to yield 5 minutes to the ranking member of the Rules Committee, the gentleman from San Dimas, California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I thank my friend from Dallas for yielding.

Mr. Speaker, I come to the well for the exact same reason that our California colleague, the distinguished Speaker of the House, Ms. PELOSI, has taken time, and that is to talk about what many have described as probably the worst fire that has ever hit Southern California.

I was just talking to the dean of our delegation, Mr. LEWIS, who is going to be returning to California. I know a number of our colleagues have gone now. He represents the Lake Arrowhead area where Governor Schwarzenegger and other elected officials are looking at this situation.

As the Speaker pointed out, 365,000 people have been evacuated from their homes, and literally hundreds of thousands of acres have been burned. And Mr. LEWIS just reminded me that one of the things that we can be extraordinarily grateful for is that we have been able to learn from previous fires how to deal with this. For example, we've had an increase in the number of what are known as the Mobile Airborne Firefighting System aircraft, the MAFS, which are going to be coming from other States. And we, as Californians, are very grateful for the fact that other States are working with us to deal with California's challenge in this time of need.

There are other environmental issues with which we've had to contend, the bark beetle that Mr. LEWIS just mentioned, and making sure that we are able to go in and clean up areas which create the potential for fire. And so we've learned a lot from the horrible

circumstances that we have faced in the past. And I'm convinced, Mr. Speaker that we will, in fact, learn from this tragedy as well.

Our thoughts and prayers are with those who have lost their homes. And if there is any kind of silver lining, when you think about the fact that 365,000 people have been evacuated, hundreds of thousands of acres, countless structures in the hundreds have been obliterated, and yet the report now is that there is only one loss of life. And obviously there are a number of firefighters who have been injured. According to a report I just saw on the television, another 25 individuals have been injured, and our thoughts and prayers are with them. But we are very grateful for those who have stepped up.

□ 1530

Governor Schwarzenegger just, Mr. Speaker, talked about the fact that at this time of need, calling on those in the grocer industry and a wide range of others coming in and providing water, diapers, baby formula, other foodstuffs that are necessary for those who have been evacuated and those who are engaged in firefighting is something that has really been remarkable, as our Governor just said.

And, Mr. Speaker, I have to tell you that one of the things that I have been struck with is that, while some people try to make things like this partisan, we are coming together as a State delegation to deal with this. As I said, a number of our colleagues have already gone to California. I know some members of the San Diego delegation, because that area has been hit particularly hard, have already gone.

So, Mr. Speaker, I would simply like to express my appreciation to those who are on the front lines and to say, as our Governor has, again, we have all come together to try to provide assistance, and the one thing we need to do now is pray for an improvement in both the wind and create the potential for some rain, if that's at all possible, to help provide some kind of relief, and to again state that at this time of disaster we want every level of government as well as individuals to continue to work together, and I am convinced that we will be able to.

Mr. CARDOZA. Mr. Speaker, I would like to say that I share the comments of our prior speakers. Both the Speaker of the House and the gentleman from California spoke eloquently about the disasters that are happening in our home State. It is certainly a time of great need and a great need for us to come together to figure out how we proceed from here to battle this rage.

I see Mr. LEWIS in the audience, and I have been to his district at a hearing about this very topic, and I know the serious nature of some of the forest management issues that are around his district and we have discussed it on numerous occasions. And our sympathies are with you and those of your constituents, Mr. LEWIS.

At this time, Mr. Speaker, I would like to yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my colleague Mr. CARDOZA from California for yielding.

I also want to express solidarity with the concerns and expressions of sympathy expressed by the Speaker for the residents of California who are so afflicted by this terribly uncontrollable act of nature. I know the entire Congress, if they had the opportunity, would want to stand up and speak out on behalf of those very same sentiments.

We hope they can get that fire under control and that the people that have been displaced are able to find other housing and some safety. It's certainly one of the worst natural disasters. None of us can imagine what it would be like to be in the line of fire.

Mr. Speaker, my primary purpose for rising today is to express support for the legislation that has been introduced by my good friend and Virginia colleague Congressman RICK BOUCHER. It's an extraordinary proposal for what it accomplishes in the way of conservation and wilderness protection but also for the collaborative effort it represents to bring different public land uses together to the table and craft a proposal that almost everybody can and does support. In fact, Republican Senator JOHN WARNER, the dean of our delegation, has sponsored it over on the Senate side.

The Virginia Ridge and Valley Act will protect nearly 43,000 acres of the Jefferson National Forest in southwestern Virginia as wilderness or wilderness study areas and another 12,000 acres as scenic areas.

Today, wilderness designations are often very controversial. That's because our public lands are visited more frequently by a much more diverse and engaged public, a public that now holds very different views oftentimes and expectations on how the public land should be used. As a result, we have seen fewer and fewer wilderness designations work their way through Congress. That's unfortunate because saving some of our last pristine public lands from resource extraction is an obligation and should, in fact, be a legacy we can pass on to future generations.

My colleague from Virginia, however, is a very persistent colleague. And the time that he and the conservation community have invested to find middle ground and build a consensus to support this legislation is a model that other conservation groups around the country should look to to enact wilderness legislation. It can be done, but it takes that kind of commitment, persistent dedication that Mr. BOUCHER has shown.

This legislation will protect the scenic and undisturbed character of pristine areas of the Jefferson National Forest.

Now, while all terrain and four-wheel-drive vehicles are prohibited in the wilderness areas, recreational activities such as hunting, fishing, camping, canoeing, kayaking, swimming, picnicking, backpacking, bird watching, horseback riding, cross-country skiing, snowshoeing, spelunking, rock climbing, and so many other outdoor activities are allowed and, in fact, encouraged. So it is not that the public can't be fully and actively engaged in enjoying this land. But motorized traffic will be permitted only in certain circumstances in the 12,000 acres that have been designated as national scenic areas.

This legislation, though, will protect the recreational, historic, and natural resources in the delineated areas in a manner that is generally similar to the protections wilderness status affords. By finding consensus, this bill has won the endorsement of all the local governments and the counties that it would affect. It is supported by a broad array of businesses and chambers of commerce and enjoys broad support from conservation organizations.

So I encourage all of my colleagues on both sides of the aisle to support this bill. It's a fine bill, and I congratulate Mr. BOUCHER for bringing it forward.

Mr. SESSIONS. Mr. Speaker, as the entire country is focused upon California fires, the disasters that are occurring and the heroic efforts of the firefighters, the people who live in California are working together, community activities, the entire country has been called into action. And I'm sure every single one of us, as not only Members of Congress but just as proud Americans, want to respond in a way that is appropriate.

The gentleman who represents a vast area that is included within those wildfires is with us now. He's the gentleman from California (Mr. LEWIS). I would like to yield him 10 minutes at this time.

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague's yielding me the time.

I will not use anywhere near 10 minutes. But let me say that my colleagues have already expressed their support for the phenomenal work that has taken place over the recent years as we have learned from past tragedies like this. The law enforcement officials, local government, the State people with the Forestry Service in California, and the U.S. Forestry Service have been truly phenomenal. We have learned an awful lot. But I would mention two things.

The first is that in terms of managing our forests, we usually find our way very quickly to develop those dollars that are necessary following a fire to respond to the immediate tragedy. Those dollars seem to flow almost upon our call. The dollars that, on the other hand, are much more difficult are those that involve managing the forest long term. It is so important that we recognize that the U.S. Forestry Service does all that they can, but they know

full well that the great difficulty of getting the money for managing that which makes up the ground fire that can destroy a forest, literally can obliterate this territory when we are looking, must be a part of our Federal responsibility.

There is little doubt that we will overcome this tragedy. Hundreds and hundreds of homes lost in my own district in and around Lake Arrowhead, California, tragedies for each of those families. But I would say beyond remembering that we must find the money for managing the forests. We also should talk to our constituents about the fact that when faced with a fire tragedy, the first thing that all of our people should do is to respond to those warnings that suggest, when they are called to evacuate, to evacuate. One life lost is too many, and the danger of attempting to overcome a fire near your home, indeed, is a critical decision. I would urge all of our citizens who are faced with this difficulty to respond to those calls for evacuation.

With that, I appreciate very much my colleagues' response to our tragedy and I appreciate very much their help.

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

I just wish to again give my deepest condolences to the folks who have lost their property in your district, Mr. LEWIS. As you have said, we have traveled there and had hearings, and, frankly, with all the dry timber that was left behind there, we were fearful that that would have happened a couple of years ago, and I understand it's happening as we speak. And hopefully we will not lose any more lives. And our hopes and prayers are with the people that habitat that region in and around Lake Arrowhead.

With regard to the bill at hand, H.R. 1011, I would just like to say, as has been said before, that this measure is supported by the members of the Virginia delegation. We will be offering, the gentleman from Virginia (Mr. GOODLATTE), the only amendment that was proposed under this rule. It's supported by all the local boards of supervisors as well as Senator WARNER, Governor Kaine.

And, in fact, we have listened to the community. And Mr. SESSIONS is right. The local officials and local community leaders, citizens of a region should be consulted when we designate one of these wilderness areas. And, in fact, this bill does incorporate those suggestions and comments of the local community. They desire this wilderness designation for their area. And it is truly going to be a national treasure. It already is, and it will be preserved for our children and for their children.

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

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume to close at this time.

Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to have Speaker PELOSI, in consultation with Republican Leader BOEHNER, immediately appoint conferees to H.R. 2642, the Military Construction and Veterans Affairs Appropriations bill for 2008.

Yesterday a number of news publications, including Roll Call, reported that the Democrat leadership intends to hold off sending appropriations bills to President Bush so that they can use an upcoming anticipated veto of the Labor-HHS appropriations bill to serve as ''an extension of their successful public relations campaign on the State Children's Health Insurance Program.''

While the Democrat leadership plays politics on this issue, however, our Nation's veterans are paying the price. For every day that the Democrats allow the veterans funding bill to languish without conferees for their own political agenda, our Nation's veterans lose $18.5 million, which could be used for veterans health care, veterans housing, and other important support activities for veterans and their families.

I would like to repeat that. Every single day there is $18.5 million that is lost for our veterans and their families.

On October 18, the American Legion National Commander Marty J. Conaster, five national vice commanders, and all 55 Legion National Executive Committee members sent Speaker PELOSI a letter pleading with her to put partisanship aside and provide this funding now for our veterans and troops.

□ 1545

At this time, I will insert this letter into the CONGRESSIONAL RECORD.

THE AMERICAN LEGION,
Indianapolis, IN, October 18, 2007.

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

DEAR SPEAKER PELOSI: Today ends the Fall meeting of The American Legion's National Executive Committee, at The American Legion's National Headquarters in Indianapolis, Indiana. The National Executive Committee consists of an elected leader from each of The American Legion's 55 Departments (50 States, the District of Columbia and four foreign countries). In accordance with The American Legion's National Constitution and By-laws, the National Executive Committee serves as The American Legion's governing body.

The National Commander Marty Conatser briefed The National Executive Committee on an array of issues to include the status of the VA budget for FY 2008. The fiscal activities of the 110th Congress—the FY 2007 Continuing Resolution, the Budget Resolution for FY 2008, and the passage of the Military Construction, Veterans' Affairs and Related Agencies Appropriations for FY 2008 were reviewed.

However, in trying to grasp why such a bipartisan bill, which passed overwhelmingly in both chambers, still hasn't moved in over a month is rather difficult, especially since the President has already said he would not veto the bill, even though it exceeds his recommendations. Understanding why the appropriations process has come to a complete halt is difficult. What is preventing the appointment of conferees, the Conference Committee, or passage of a Conference Report?

We are now in the new fiscal year with no idea when the Mil Con-VA appropriations will be passed. If history repeats itself, this standoff may last well into the second quarter of the fiscal year. This uncertainty is disturbing to not only The American Legion and other veterans' and military service organizations, but to every veteran who is dependent on VA for timely access to quality health care, earned benefits, and other services provided by a grateful nation.

Madam Speaker, the newest generation of wartime veterans are reporting to VA medical facilities every day as troops are returning from deployments to Iraq and Afghanistan. Some will be determined to be service-connected disabled because of medical conditions incurred or aggravated while on active-duty. Others may very well have invisible scars that need attention as soon as possible. As VA welcomes new patients, the existing patient population cannot be ignored nor should their health care be rationed due to limited available resources. There are veterans dependent on VA as their life-support system.

The American Legion represents 2.6 million wartime veterans, but also speaks for the 24 million veterans of the United States Armed Forces and their families.

Please continue the appropriations process—name conferees, convene the Conference Committee, and pass the Conference Report.

Sincerely,

Marty Conatser, National Commander; Thomas L. Burns, Jr. (DE), National Vice Commander; Randall A. Fisher (KY), National Vice Commander; David A. Korth (WI), National Vice Commander; James L. Van Horn (AK), National Executive Committeeman; Ross Rogers (AK), National Executive Committeeman; Peggy G. Dettori (AK), National Vice Commander; Donald Hayden (MN), National Vice Commander; Floyd W. Turner (AL), National Executive Committeeman; Julius Maklary (AZ), National Executive Committeeman; James W. Hackney (CA), National Executive Committeeman.

Jeff Luginbuel (CO), National Executive Committeeman; John J. Jackson (DE), National Executive Committeeman; Robert J. Proctor (FL), National Executive Committeeman; Ray Hendrix (GA), National Executive Committeeman; Cleve Rice (ID), National Executive Committeeman; W. Darrell Hansel (IN), National Executive Committeeman; David O. Warnken (KS), National Executive Committeeman; Charles D. Aucoin (LA), National Executive Committeeman; Dr. Gordon B. Browning (MD), National Executive Committeeman; Richard W. Anderson (CT), National Executive Committeeman; Paul H. _____, for Walter W. Norris (DC), National Executive Committeeman; William E. Marshall (France), National Executive Committeeman; Andrew W. Johnson (HI), National Executive Committeeman; Kenneth J. Trumbull (IL), National Executive Committeeman; Michael E. Wanser (IA), National Executive Committeeman; Randall Coffman (KY), National Executive Committeeman; Robert A. Owen (ME), National Executive Committeeman; James F. Army (MA), National Executive Committeeman.

John E. Hayes (Mexico), National Executive Committeeman; Virgil V. Persing (MN), National Executive Committeeman; David N. Voyles (MO), National Executive Committeeman; Michael J. Landkamer (NE), National Executive

Committeeman; John E. Neylon (NH), National Executive Committeeman; Bruce Jorgensen (NM), National Executive Committeeman; Jerry L. Hedrick (NC), National Executive Committeeman; Carl W. Swisher (OH), National Executive Committeeman; Charles E. Schmidt (OR), National Executive Committeeman; Gerald N. Dennis (MI), National Executive Committeeman; Charles E. Langley (MS), National Executive Committeeman; Bob O. Beals (MT), National Executive Committeeman; Ron Gutzman (NV), National Executive Committeeman; William A. Rakestraw, Jr. (NJ), National Executive Committeeman; Paul Mitras (NY), National Executive Committeeman; Curtis O. Twete (ND), National Executive Committeeman; Bobby J. Longenbaugh (OK), National Executive Committeeman; Alfred Pirolli (PA), National Executive Committeeman.

William J. Kelly (Philippines), National Executive Committeeman; Ernest Gerundio (RI), National Executive Committeeman; Paul A. Evenson (SD), National Executive Committeeman; Ronald G. Cherry (TX), National Executive Committeeman; Leslie V. Howe (VT), National Executive Committeeman; William F. Schrier (WA), National Executive Committeeman; Arthur D. Herbison (WI), National Executive Committeeman; Carlos Orria-Medina (PR), National Executive Committeeman; Billy W. Bell (SC), National Executive Committeeman; Jennings B. Loring (TN), National Executive Committeeman; William E. Christoffersen (UT), National Executive Committeeman; Rob R. Gordon, Jr. (VA), National Executive Committeeman; William W. Kile (WV), National Executive Committeeman; ———, for Irvin A. Quick (WY), National Executive Committeeman.

On the same day, the commander in chief of the Veterans of Foreign Wars, George Lisicki, also asked Speaker PELOSI and the Democrat leadership to put partisanship aside for the benefit of our Nation's veterans and troops. These pleas from the American Legion and the VFW follow on the heels of requests from Republican Members to both Speaker PELOSI and Democrat Senate Majority Leader HARRY REID on September 17 and October 4 urging them to begin conference work on the Veterans Appropriations bills. Unfortunately, it appears as though all these commonsense requests have fallen on deaf ears, and our Nation's veterans are being forced to pay the price for continued Democrat partisanship and lack of leadership on this issue.

At this time, I will insert into the CONGRESSIONAL RECORD these two letters so that everyone watching today's debate across the country can see the efforts that have been made by the Republican Party to end this impasse on an important issue of providing adequate funding for those who have sacrificed so much on behalf of our country.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 17, 2007.

OFFICE OF THE SPEAKER
U.S. Capitol,
Washington, DC.

MADAM SPEAKER: We write to urge you in the strongest possible terms to reach a prompt agreement on the conference report on the FY2008 Military Construction and Veterans Affairs Appropriations Act (H.R. 2642). Few issues are more important than adequate funding for our nation's veterans. The leadership in the House cannot allow this critically important funding to fall victim to the usual partisan wrangling which occurs all too often in Washington.

Veterans should not be used as tools for political bargaining and gamesmanship. Both the House and Senate passed the FY08 MilCon-Veterans appropriations with overwhelming majorities because our commitment to veterans rises above partisan squabbling. Tragedies such as the recent revelations at Walter Reed Army Medical Center must never be repeated. The findings of insufficient care at Walter Reed and other facilities should be seen by Congress as a mandate to finish the work and live up to the promises we have made to our veterans.

After decades of flat funding, total VA budget rose from $48 billion in FY 2001 to approximately $70 billion in FY 2006, a 46 percent increase. This year, the House voted to increase funding by $6 billion dollars over FY07, one of the largest in the 77 year history of the Department of Veterans Affairs. Both the Senate and House versions received overwhelming majority support passing by a vote of 409–2 in the House and 92–1 in the Senate.

Earlier in the year, the new Majority agreed they would continue the trend of significant increases in veterans funding begun by the Republican Congress. We ask you to honor that agreement and see that the commitment we made to our veterans is honored.

We must never forget the sacrifice of our veterans. As members of Congress, we have a solemn obligation to fulfill our promises to them. We ask for you to look past the heightened partisanship of our times and unite us on this issue by making it a first priority to quickly bring a stand alone Veterans appropriations bill through conference so the Congress may present the President with a bill by October 1, 2007.

We stand ready to assist you in reaching this goal.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 4, 2007.

OFFICE OF THE SENATE MAJORITY LEADER,
U.S. Capitol,
Washington, DC.

DEAR MAJORITY LEADER REID: We write today to ask you to keep the Senate in session the week of October 8, to help pass this year's veterans appropriations. Now that we are already into the new fiscal year, it is imperative that the House and Senate reach a prompt agreement on the conference report on the FY2008 Military Construction and Veterans Affairs Appropriations Act (H.R. 2642).

It is unfortunate the Senate has been unable to act upon many of its Constitutionally mandated appropriations bills. While the House continues to wait upon the Senate to complete its work, we call upon you to quickly move veterans appropriations through conference so a final version of the bill may be passed and presented to the President. We believe that veterans issues rise above the partisan divisions of Washington which is evident by the passage of the FY08 MilCon-Veterans appropriations with overwhelming majorities in both Houses, 501–3 combined.

The Senate cannot allow this critically important funding to continue to fall victim to the usual partisan wrangling which occurs all too often in Washington. If tragedies such as the recent revelations at Walter Reed Army Medical Center are to be diverted in the future, we must pass veterans funding now. From FY 2001 the total VA budget rose from $48 billion to approximately $70 billion in FY 2006, a 46 percent increase. This year, the House voted to increase funding by $6 billion dollars over FY07, one of the largest in the 77 year history of the Department of Veterans Affairs. Because we have asked so much of our brave men and women in uniform during the War on Terror we must uphold our commitment to veterans upon their return home.

Earlier in the year, the new Majority agreed they would continue the trend of significant increases in veterans funding begun by the Republican Congress. We ask you to honor that agreement and see the commitment we made to our veterans is upheld.

We must never forget the sacrifice of our veterans. As members of Congress, we have a solemn obligation to fulfill our promises to them. We ask you to look past the heightened partisanship of our times and unite us on this issue by making it a first priority to bring a stand-alone veterans appropriations bill through conference so the Congress may present the President with a bill no later than October 12, 2007.

Mr. Speaker, I will ask all of my colleagues to support this motion to defeat the previous question so that we can put partisanship aside and move this important legislation forward.

Mr. Speaker, this is a very important vote for each of the Members of Congress to decide whether we are going to move forward for the best interest of our military and veterans, or whether we are going to play partisan politics.

I ask unanimous consent to insert the text of the amendment and extraneous material in the RECORD just prior to the vote on the previous question

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

There was no objection.

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

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

Mr. Speaker, I want to start by saying that I couldn't disagree more with the gentleman's last comments. What I heard just does not even make any sense to me, having spent the last 5 years of my life sitting here watching this House debate veterans issues.

The first 4 years that I was here, we saw the Republican Congress that was in power at that time refuse to take up a number of measures that were brought forward by the Democratic minority at that time. In fact, there were several discharge petitions that laid languishing at that desk for weeks and weeks on end until they finally died at the end of the session because they never got the attention of the Republican majority at that time. In fact, this year, since we have taken back the House and we have become a Democratic majority, we have been champions of veterans issues. And to say that they want to now lay letters upon the table that they're demanding of the Speaker's attention, we have been putting attention on this issue for a number of years. And not only are we taking care of our veterans now for the

first time in 12 years, but we are taking care of it in a way that would surprise them. And our Nation's veterans are very grateful that we are finally giving them the respect they deserve.

And I will tell you that this House, by a vote of 409–2, passed the Veterans appropriations bill. And, yes, we do need to go to conference; but we will do that when the conferees are appointed in the Senate, when it is appropriate to do it. We have passed, this year, an additional appropriation of $3.4 billion to take care of our Nation's veterans. We will, in fact, make sure that all the veterans are taken care of. In fact, on November 11 of this year we will celebrate tremendous respect for our Nation's veterans and will, in fact, do everything that we have promised to do, and more.

We just saw today three bills taken up by the Veterans' Committee to, in fact, take care of the needs of our Nation's veterans. And I am highly offended by the insinuation that we are in some way acting in a partisan way not to take care of our Nation's veterans.

Mr. Speaker, with regard to H.R. 1011, this bill is, in fact, an important bill to protect the natural resources of the State of Virginia, a vital area for our country. Mr. BOUCHER and the delegation from Virginia have done a fabulous job in crafting this proposal. It is a bill that preserves tens of thousands of acres of pristine wilderness in Jefferson National Forest. It is necessary that these beautiful, natural landscapes remain protected and untouched so that they may be enjoyed by our children and our grandchildren for years to come. It deserves the strong support of all the Members on the floor today.

That is the bill that we will be moving the previous question on. Mr. Speaker, I urge a ''yes'' vote on the rule and on the previous question.

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

AMENDMENT TO H. RES. 763 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

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

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 1483, CELEBRATING AMERICA'S HERITAGE ACT

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 765 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 765

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1483) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, 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. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 1483 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 Ohio is recognized for 1 hour.

Ms. SUTTON. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 765.

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

There was no objection.

Ms. SUTTON. Mr. Speaker, House Resolution 765 provides for consideration of H.R. 1483, the Celebrating America's Heritage Act. The rule provides 1 hour of general debate controlled by the Committee on Natural Resources and makes in order the substitute reported by the Committee on Natural Resources.

The rule also contains a self-executing provision to the base text consisting of a technical correction that

inserts a map reference for a map that was not completed yet by the National Park Service prior to filing the reported bill. The rule also provides for one motion to recommit with or without instructions.

Mr. Speaker, before I begin to address the rule and the underlying bill, I want to also extend my feelings of empathy and concern for those out in California dealing with the fires that are plaguing that area of our country. We are all watching and we are all, in spirit, hoping that the fire ravaging will end. We appreciate the hard work and the fearless dedication of our fire service and our firefighters, and we hope that that situation is under control in the very, very near future.

Mr. Speaker, I rise today in support of this rule and the underlying bill. At the outset, I would like to commend my Republican colleague and neighbor, Congressman REGULA, for his leadership in sponsoring this bipartisan piece of legislation.

This bill will provide additional support to nine national heritage areas and allow for the designation of six new heritage areas, making them eligible for Federal support.

I am proud that the Ohio and Erie National Heritage Canalway is among these nine national heritage areas. And I can tell you from firsthand experience that I've had with the Ohio and Erie National Heritage Canalway, that these heritage areas are an invaluable asset, both to the local communities and to our Nation, from the preservation of local culture and history, to increasing tourism, and as centerpieces for economic growth.

The designation of heritage areas provides for a partnership approach to heritage development, allowing the sites to be locally managed with a local organization coordinating in partnership with local residents.

These areas provide unique opportunities to understand the larger context of these regions' traditions, landscapes and people, and the heritage of this great country.

The Ohio and Erie National Heritage Canalway is not a traditional park. It's a lived-in region where the national, cultural, historic and recreational resources combine to form a nationally significant landscape that celebrates the significance of the Ohio and Erie Canal and its contribution to the region, the State of Ohio, and the United States.

The Ohio and Erie Canal helped connect the Ohio frontier with New York and New Orleans in the early 19th century, playing a key role in linking a previously isolated Ohio with economic centers east and south. And the canal was crucial to the development of Ohio's economy, attracting businesses to the area and providing a viable transportation route for emerging industries.

Mr. Speaker, I am confident that with increased Federal support, the Ohio and Erie National Heritage Canalway and other heritage areas included in this legislation will continue to play central roles in their communities and equally important roles in our national heritage.

Similarly, Mr. Speaker, in addition to the Ohio and Erie National Heritage Canalway, the Celebrating America's Heritage Act will provide support to the National Coal Heritage Act in West Virginia, the Tennessee Civil War Heritage Area, the Augusta Canal and National Heritage Area in Georgia, the Steel Industry American Heritage Area in Pennsylvania, the Essex National Heritage Area in Massachusetts, the South Carolina National Heritage Corridor, America's Agricultural Partnership in Iowa, and the Hudson River Valley National Heritage Area in New York.

This legislation will also recognize and bring the benefits of heritage areas to six new communities throughout the Nation: Journey Through Hallowed Ground Heritage Area in Virginia, Niagara Falls National Heritage Area in New York, Muscle Shoals National Heritage Area in Alabama, Freedom's Way National Heritage Area in Illinois, and Santa Cruz Valley National Heritage Area in Arizona.

And it's important to note, Mr. Speaker, that this legislation specifically includes language that protects private property rights. And the bill makes clear that a national heritage area designation does not alter existing regulations or land use plans.

This is a good bill that will help communities and our country celebrate our heritage and use our history for future prosperity and collective pride. I urge my colleagues to support it.

I'm proud to be a cosponsor of this bipartisan legislation. And, again, I would like to thank Congressman RALPH REGULA from my home State of Ohio for introducing this bill and for being a champion of Ohio's heritage.

I urge all of my colleagues to support this important bipartisan legislation.

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

□ 1600

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. SUTTON) for yielding me the customary 30 minutes. 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, I rise in opposition to this closed rule and urge my colleagues to oppose it as well. Mr. Speaker, this rule is the 39th closed rule the House will be considering this year. The Democrats have not just broken their promise to the American people to cooperate in an open and honest manner, they are actually doing it in a record-setting manner. In fact, this Democrat-controlled Congress has considered more than twice as many closed rules, twice as many, Mr. Speaker, as the previous Republican-controlled Congress did at the same point in the session.

So they didn't just break their promise, Mr. Speaker, they have shattered it. Most troubling of all is that this rule would prevent Representatives from offering amendments to adjust and alter the bill out of concerns directly affecting the districts and people that those Representatives were elected to represent.

The Celebrating America's Heritage Act authorizes $135 billion to be spent over the next 15 years for nine already established National Heritage Areas and six new National Heritage Areas. One of the new National Heritage Areas created in the bill is the Journey Through Hallowed Ground National Heritage Area, which includes land in Pennsylvania, Maryland, West Virginia and Virginia. Mr. BARTLETT of Maryland and Mr. GOODE of Virginia have expressed concerns that the land in the districts they represent is included in this new National Heritage Area and that this bill does not guarantee local residents will be allowed to participate in decisions affecting the area in their districts. If Congress is going to dictate how land is to be used, we must make sure that those who are directly affected by such designations are, in fact, supportive of the legislation.

I believe that all Members should be afforded an opportunity to have their voices heard on behalf of those they represent when their district is directly impacted. It was remarked yesterday in testimony before the Rules Committee by Mr. YOUNG of Alaska, ''That is just good government.'' What he was referring to obviously was to have a Member talk about issues that affect their district. Unfortunately, if adopted, this 39th closed rule of the year will deny Mr. BARTLETT and Mr. GOODE and, in fact, all Members of the House, the opportunity to bring forth their concerns to attempt to amend—to perfect this bill. Although National Heritage Areas typically do not create additional Federal lands, the Federal Government can significantly impact the use of the land in and surrounding National Heritage Areas.

Mr. Speaker, coming from an area in my area in central Washington that is 40 percent federally owned, I want to take this opportunity to discuss my concerns with future actions that could lead to additional Federal lands. As I have said many times before on this floor, I believe Federal land management agencies simply have too much land to manage effectively. Federal land agencies continue to struggle to maintain trails and facilities on public lands as well as to manage unnaturally high fuel loads that can lead to catastrophic wildfires. We had that discussion on the previous rule; yet, year after year we are spending precious tax dollars to buy up more private property to take off local tax rolls.

There are far more pressing issues affecting public lands management that

we could be considering today. For example, Mr. Speaker, we should be discussing the extension of payments to forested counties for rural schools and roads or for development of clean energy on public lands. These are far more pressing issues, and they are not going to go away. I believe the House should act quickly in a bipartisan manner to address them.

Mr. Speaker, this is a closed rule, as I mentioned in my opening remarks. In closing, I would like to read a quote from the distinguished majority leader (Mr. HOYER) from Congress Daily PM on December 5, 2006, a little more than 10 months ago. He said, Mr. Speaker, ''We intend to have a Rules Committee that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House.''

Mr. Speaker, the distinguished majority leader said that a little bit more than 10 months ago. Unfortunately, the Democrat majority is once again not living up to the promises they made to Americans just less than a year ago. We are shutting out the people and the Representatives who are directly impacted by this legislation with this closed rule.

Mr. Speaker, accordingly, I urge my colleagues to vote against this, the 39th closed rule of the year.

I reserve the balance of my time.

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

Mr. Speaker, I just want to remind my colleague from Washington that this legislation does not affect private property rights. The bill makes it clear that a National Heritage Area designation does not alter existing regulations or land use plans, either.

With that, I reserve the balance of my time.

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

Ms. SUTTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Speaker, I rise today to support this rule and the underlying bill, H.R. 1483, amending the Omnibus Parks and Public Lands Management Act.

Early this year, I introduced the Santa Cruz Valley National Heritage Area Act with Congressman GRIJALVA. I am pleased that our bill has been included in H.R. 1483.

By designating the Santa Cruz Valley as a National Heritage Area, this beautiful and thriving region will receive modest Federal support for promoting the area's history, cultural resources and indigenous wildlife habitat. We are ensuring that the Santa Cruz Valley visitors can experience the unique watershed and diverse societies it has supported, Native American tribes, descendants of Spanish ancestors, American pioneers, and, now, members of our diverse Sonoran Arizona communities.

Widely supported from Marana, Arizona, to Patagonia, the Santa Cruz Valley will protect private property rights and public use of this federally managed land.

So I support this bill. I urge a ''yes'' vote on the rule and the underlying bill to support preserving Arizona's National Heritage.

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

Mr. Speaker, for the past several weeks, my colleagues on the Rules Committee and I have highlighted loopholes in the House rules related to earmark transparency. While this is an important issue that still must be addressed, there is still a more pressing issue that the House must act on immediately.

Mr. Speaker, it has now been 130 days, 130 days, since the veterans funding bill was approved by the House. The Senate passed a similar bill. Mr. Speaker, contrary to what was said in the debate in the last bill, the Senate has appointed their conferees over 6 weeks ago. Sadly, the Democrat leadership in the House has refused to move forward on this bill and name conferees and instead has chosen to put partisanship and politics ahead of ensuring our veterans' needs are met. Every day the Democrats choose not to act to move this bill forward, our Nation's veterans lose $18.5 million.

Last week, Republican Leader BOEHNER took a positive step toward naming House Republican conferees. Now, Speaker PELOSI must follow suit and take the steps necessary to ensure that work can begin on writing the final veterans funding bill that can be enacted into law.

I might add, Mr. Speaker, this is one of those bills that enjoys strong bipartisan support. It is troubling to me that Democrat leadership chose to consider a simple resolution today supporting and encouraging greater support for Veterans Day each year, but thus far, has refused to demonstrate meaningful support for our Nation's veterans by working on this final funding bill. Our veterans, and all Americans, want us to put partisanship and politics aside and work together to do what is in the best interests for our Nation's veterans.

Mr. Speaker, I see no better time than right now. Therefore, I will be asking my colleagues to vote ''no'' on the previous question so that I can amend the rule to allow the House to immediately act to go to conference with the Senate on H.R. 2642, the Military Construction and Veterans Affairs funding bill and appoint conferees.

The amendment to the rule I am offering would allow the Speaker to declare a recess for the purpose of consulting with the minority leader prior to the appointment of conferees. Further, it would provide that the motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within 2 additional legislative days after adoption of this resolution. In other words, Mr. Speaker, we can act on this as quickly as we possibly can.

By defeating the previous question, the House will send a strong message to our veterans that they have our commitment to write a final bill providing them the funding and increase they need, deserve and were promised.

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 (Mr. DOYLE). 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 on the 39th closed rule the House is considering this year, and I yield back the balance of my time.

Ms. SUTTON. Mr. Speaker, I only wish the same commitment and tenacity on behalf of veterans that is being expressed here today continues into the future, and I wish that it had been a little bit more at the surface in the past.

As you know, Mr. Speaker, the Democrats, when they came into the majority in this House, passed the biggest increase for veterans health care in history. They passed in the Military Construction and Veterans Affairs appropriations bill $6.7 billion above the fiscal year 2007 budget, which, by the way, was the largest single increase in the 77-year history of the VA, $3.8 billion above the President's request. So we are indeed on the same page in terms of protecting our Nation's veterans, and we are working diligently, not just with our words, but with our votes and with our actions to make sure that we live up to the promise that we make to our veterans.

Returning to the legislation and the rule at hand, Mr. Speaker, the Celebrating America's Heritage Act would provide support for some of our Nation's cultural treasures and will expand support to additional heritage areas. I cannot overstate the importance of many of these areas, not only to the local communities and the regions in which they exist, but to preserving the history of the United States, that history that those veterans fought for, by the way, and these heritage areas stand out for national parks and they are overseen by a coalition of local leaders, community members and local organizations all with an interest in the preservation in their areas' traditions and culture and in the continued vitality of their communities. These heritage areas play a key role in spurring economic development, which serve as a bridge to the future for communities as well as a constant reminder of our past and the cumulative history that has led to where we are today.

I know what the Ohio and Erie National Heritage Canalway means to northeast Ohio, and I know what increased Federal support will do to help it continue serving our community and our Nation.

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

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

AMENDMENT TO H. RES. 765 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(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.''

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

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

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

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

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

The yeas and nays were ordered.

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

□ 1615

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

Ordering the previous question on House Resolution 763, by the yeas and nays;

Adopting House Resolution 763, if ordered;

Ordering the previous question on House Resolution 765, by the yeas and nays;

Adopting House Resolution 765, if ordered; and

Suspending the rules and passing H.R. 1955.

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

PROVIDING FOR CONSIDERATION OF H.R. 1011, VIRGINIA RIDGE AND VALLEY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 763, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 225, nays 190, not voting 17, as follows:

[Roll No. 990]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
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
Tsongas
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—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis

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

NOT VOTING—17

Bilbray
Bishop (UT)
Carson
Cubin
Culberson
Feeney
Hastert
Hunter
Issa
Jindal
Johnson, E. B.
McKeon
Moore (WI)
Oberstar
Paul
Reyes
Wilson (OH)

□ 1641

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 resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1483, CELEBRATING AMERICA'S HERITAGE ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 765, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 191, not voting 13, as follows:

[Roll No. 991]

YEAS—228

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
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
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
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—191

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

NOT VOTING—13

Bilbray
Bishop (UT)
Carson
Cubin
Feeney
Hunter
Issa
Jindal
Johnson, E. B.
McKeon
Paul
Reyes
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1649

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 231, nays 186, not voting 15, as follows:

[Roll No. 992]

YEAS—231

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
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
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
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
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
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wolf
Woolsey
Wu
Wynn
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
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
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
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
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—15

Bilbray
Bishop (UT)
Carson
Cubin
Feeney
Hunter
Issa
Jindal
Johnson, E. B.
Lamborn
McKeon
Musgrave
Paul
Reyes
Wilson (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes to record their vote.

□ 1657

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.

VIOLENT RADICALIZATION AND HOMEGROWN TERRORISM PREVENTION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1955, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. THOMPSON) that the House suspend the rules and pass the bill, H.R. 1955, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 6, not voting 22, as follows:

[Roll No. 993]

YEAS—404

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
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
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
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
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—6

Abercrombie
Costello
Duncan
Flake
Kucinich
Rohrabacher

NOT VOTING—22

Barrett (SC)
Bilbray
Bishop (UT)
Carson
Conyers
Cooper
Cubin
Davis (IL)
Davis, Tom
Feeney
Hunter
Issa
Jindal
Johnson, E. B.
McKeon
Moore (KS)
Paul
Peterson (PA)
Reyes
Sherman
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have less than 2 minutes to vote.

□ 1706

Mr. ABERCROMBIE changed his vote from ''yea'' to ''nay.''

Mr. PENCE and Mr. LOEBSACK changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include therein extraneous material on H.R. 1011.

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

There was no objection.

VIRGINIA RIDGE AND VALLEY ACT OF 2007

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 763, I call up the bill (H.R. 1011) to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, 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. 1011

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Virginia Ridge and Valley Act of 2007''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Designation of additional National Forest System lands in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.
Sec. 3. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
Sec. 4. Designation of Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
Sec. 5. Trail plan and development.

SEC. 2. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LANDS IN JEFFERSON NATIONAL FOREST, VIRGINIA, AS WILDERNESS OR A WILDERNESS STUDY AREA.

(a) DESIGNATION OF WILDERNESS.—Section 1 of Public Law 100–326 (102 Stat. 584; 16 U.S.C. 1132 note), as amended by Public Law 106–471 (114 Stat. 2057), is further amended—

(1) in the matter preceding paragraph (1), by striking ''System—'' and inserting ''System:'';

(2) by striking ''certain'' at the beginning of paragraphs (1) through (8) and inserting ''Certain'';

(3) by striking the semicolon at the end of paragraphs (1) through (6) and inserting a period;

(4) by striking ''; and'' at the end of paragraph (7) and inserting a period; and

(5) by adding at the end the following new paragraphs:

''(9) Certain lands in the Jefferson National Forest, which comprise approximately 3,769 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated February 2007, and which shall be known as the Brush Mountain East Wilderness.

''(10) Certain lands in the Jefferson National Forest, which comprise approximately 4,794 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated February 2007, and which shall be known as the Brush Mountain Wilderness.

''(11) Certain lands in the Jefferson National Forest, which comprise approximately 4,223 acres, as generally depicted on the map entitled 'Seng Mountain and Raccoon Branch' and dated February 2007, and which shall be known as the Raccoon Branch Wilderness.

''(12) Certain lands in the Jefferson National Forest, which comprise approximately 3,270 acres, as generally depicted on the map entitled 'Stone Mountain' and dated February 2007, and which shall be known as the Stone Mountain Wilderness.

''(13) Certain lands in the Jefferson National Forest, which comprise approximately 8,470 acres, as generally depicted on the map entitled 'Hunting Camp Creek and Garden Mountain' and dated February 2007, and which shall be known as the Hunting Camp Creek Wilderness.

''(14) Certain lands in the Jefferson National Forest, which comprise approximately 3,291 acres, as generally depicted on the map entitled 'Hunting Camp Creek and Garden Mountain' and dated February 2007, and which shall be known as the Garden Mountain Wilderness.

''(15) Certain lands in the Jefferson National Forest, which comprise approximately 5,476 acres, as generally depicted on the map entitled 'Mountain Lake Additions' and dated February 2007, and which are hereby incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

''(16) Certain lands in the Jefferson National Forest, which comprise approximately 308 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated February 2007, and which are hereby incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

''(17) Certain lands in the Jefferson National Forest, which comprise approximately 1,845 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated February 2007, and which are hereby incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

''(18) Certain lands in the Jefferson National Forest, which comprise approximately 2,249 acres, as generally depicted on the map entitled 'Shawvers Run Additions' and dated February 2007, and which are hereby incorporated in the Shawvers Run Wilderness designated by paragraph (4).

''(19) Certain lands in the Jefferson National Forest, which comprise approximately 1,203 acres, as generally depicted on the map entitled 'Peters Mountain Addition' and dated February 2007, and which are hereby incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

''(20) Certain lands in the Jefferson National Forest, which comprise approximately 263 acres, as generally depicted on the map entitled 'Kimberling Creek Additions and Potential Wilderness Area' and dated February 2007, and which are hereby incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).''.

(b) DESIGNATION OF WILDERNESS STUDY AREA.—Section 6(a) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3108) is amended—

(1) by striking ''certain'' at the beginning of paragraphs (1) through (4) and inserting ''Certain'';

(2) by striking the semicolon at the end of paragraphs (1) and (2) and inserting a period;

(3) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

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

''(5) Certain lands in the Jefferson National Forest, which comprise approximately 3,226 acres, as generally depicted on a map entitled 'Lynn Camp Creek Wilderness Study Area' and dated February 2007, and which shall be known as the Lynn Camp Creek Wilderness Study Area.''.

(c) MAPS AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and

Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a map and legal description of each wilderness area designated or expanded by the amendments made by subsection (a) and of the Lynn Camp Creek Wilderness Study Area designated by the amendment made by subsection (b).

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and descriptions. In the case of any discrepancy between the acreage specified in the amendments made by subsection (a) or (b) and the corresponding map filed under paragraph (1), the map shall control.

(3) AVAILABILITY.—The maps and legal descriptions referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) ADMINISTRATION.—

(1) NEW WILDERNESS AREAS.—Subject to valid existing rights, the Secretary of Agriculture shall administer the lands in the Jefferson National Forest designated as a new wilderness area by the amendments made by subsection (a) in accordance with this section and the Wilderness Act (16 U.S.C. 1131 et seq.), except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(2) EXPANDED WILDERNESS AREAS.—Subject to valid existing rights, the Secretary of Agriculture shall administer the lands in the Jefferson National Forest designated as wilderness and incorporated into an existing wilderness area by the amendments made by subsection (a) in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and other laws applicable to that wilderness area, except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

SEC. 3. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain lands in the Jefferson National Forest, which comprise approximately 349 acres, as generally depicted on the map entitled ''Kimberling Creek Additions and Potential Wilderness Area'' and dated February 2007, are designated as a potential wilderness area for eventual incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

(b) MAP AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a map and legal description of potential wilderness area.

(2) FORCE AND EFFECT.—The map and legal description referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the map and description. In the case of any discrepancy between the acreage specified in subsection (a) and the map filed under paragraph (1), the map shall control.

(3) AVAILABILITY.—The map and legal description referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) MANAGEMENT.—Except as provided in subsection (d) and subject to valid existing rights, the Secretary of Agriculture shall manage the potential wilderness area as wilderness pending its incorporation in the Kimberling Creek Wilderness.

(d) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of non-native species, removal of illegal, unused, or decommissioned roads, and any other activities necessary to restore the natural ecosystems in the potential wilderness area), the Secretary of Agriculture may use motorized equipment and mechanized transport in the potential wilderness area until its incorporation in the Kimberling Creek Wilderness.

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(e) WILDERNESS DESIGNATION.—The potential wilderness area shall be designated as wilderness and incorporated in the Kimberling Creek Wilderness on the earlier of—

(1) the date on which the Secretary of Agriculture publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is five years after the date of the enactment of this Act.

(f) ADMINISTRATION.—Subject to valid existing rights, upon incorporation of the lands designated as wilderness under subsection (e) in the Kimberling Creek Wilderness, the Secretary of Agriculture shall administer the lands in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other laws applicable to that wilderness area, except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date on which the lands are designated as wilderness under subsection (e).

SEC. 4. DESIGNATION OF SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) ESTABLISHMENT.—The following National Forest System lands in the State of Virginia are hereby designated as National Scenic Areas (in this section referred to as the ''scenic areas''):

(1) Certain lands in the Jefferson National Forest, which comprise approximately 6,455 acres, as generally depicted on the map entitled ''Seng Mountain and Raccoon Branch'' and dated February 2007, and which shall be known as the Seng Mountain National Scenic Area.

(2) Certain lands in the Jefferson National Forest, which comprise approximately 5,128 acres, as generally depicted on the map entitled ''Bear Creek'' and dated February 2007, and which shall be known as the Bear Creek National Scenic Area.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a map and legal description of each of the scenic areas.

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and descriptions. In the case of any discrepancy between the acreage specified in subsection (a) and the corresponding map filed under paragraph (1), the map shall control.

(3) AVAILABILITY.—The maps and legal descriptions referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) PURPOSES OF SCENIC AREAS.—The scenic areas are established for the purposes of—

(1) ensuring the protection and preservation of scenic quality, water quality, natural characteristics, and water resources;

(2) protecting wildlife and fish habitat, consistent with paragraph (1);

(3) protecting areas that may develop characteristics of old-growth forests; and

(4) providing a variety of recreation opportunities, consistent with the preceding paragraphs.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall administer the scenic areas in accordance with this section and the laws and regulations generally applicable to the National Forest System. In the event of conflict between this section and other laws and regulations, this section shall take precedence.

(2) CONSISTENT USE.—The Secretary shall only allow such uses of the scenic areas as the Secretary finds will further the purposes for which the scenic areas are established.

(e) MANAGEMENT PLAN.—Within two years after the date of the enactment of this Act, the Secretary of Agriculture shall develop a management plan for the scenic areas consistent with this section. The management plan shall be developed as an amendment to the land and resource management plan for the Jefferson National Forest, except that nothing in this section requires the Secretary to revise the land and resource management plan for the Jefferson National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(f) ROADS.—After the date of the enactment of this Act, no roads shall be established or constructed within the scenic areas, except that this prohibition shall not be construed to deny access to private lands or interests therein in the scenic areas.

(g) VEGETATION MANAGEMENT.—No timber harvest shall be allowed within the scenic areas, except as the Secretary of Agriculture finds necessary in the control of fire, insects, and diseases and to provide for public safety and trail access. Notwithstanding the preceding sentence, the Secretary may engage in vegetation manipulation practices for maintenance of existing wildlife clearings and visual quality. Firewood may be harvested for personal use along perimeter roads under such conditions as the Secretary may impose.

(h) MOTORIZED TRAVEL.—Motorized travel shall not be permitted within the scenic areas, except that the Secretary of Agriculture may authorize motorized travel within the scenic areas—

(1) as necessary for administrative use in furtherance of the purposes of this section;

(2) in support of wildlife management projects in existence as of the date of the enactment of this Act; and

(3) on Forest Development Road 9410 and 84b during deer and bear hunting seasons.

(i) FIRE.—Wildfires in the scenic area shall be suppressed in a manner consistent with the purposes of this section, using such means as the Secretary of Agriculture considers appropriate.

(j) INSECTS AND DISEASE.—Insect and disease outbreaks may be controlled in the scenic areas to maintain scenic quality, prevent tree mortality, reduce hazards to visitors, or protect private lands.

(k) WATER.—The Secretary of Agriculture shall administer the scenic areas so as to maintain and enhance water quality.

(l) MINING WITHDRAWAL.—Subject to valid existing rights, all federally owned lands in the scenic areas are withdrawn from location, entry, and patent under the mining laws of the United States and from leasing claims under the mineral and geothermal leasing laws of the United States, including amendments to such laws.

SEC. 5. TRAIL PLAN AND DEVELOPMENT.

(a) TRAIL PLAN.—The Secretary of Agriculture shall establish a trail plan for National Forest System lands described in this subsection in order to develop the following:

(1) Hiking and equestrian trails on the lands in the Jefferson National Forest designated as wilderness by the amendments made by section 2(a), in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) Nonmotorized recreation trails within the Seng Mountain and Bear Creek Scenic Areas designated by section 4.

(b) CONSULTATION.—The Secretary of Agriculture shall establish the trail plan in consultation with interested parties.

(c) IMPLEMENTATION REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the trail plan, including the identification of priority trails for development.

(d) TRAIL REQUIRED.—The Secretary of Agriculture shall develop a sustainable trail, using a contour curvilinear alignment, to provide a continuous connection for non-motorized travel between County Route 650 and Forest Development Road 4018 in Smyth County, Virginia.

The SPEAKER pro tempore. Pursuant to House Resolution 763, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

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

H.R. 1011

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Virginia Ridge and Valley Act of 2007''.

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

Sec. 1. Short title and table of contents.
Sec. 2. Designation of additional National Forest System lands in Jefferson National Forest, Virginia, as wilderness or a wilderness study area.
Sec. 3. Designation of Kimberling Creek Potential Wilderness Area, Jefferson National Forest, Virginia.
Sec. 4. Designation of Seng Mountain and Bear Creek Scenic Areas, Jefferson National Forest, Virginia.
Sec. 5. Trail plan and development.

SEC. 2. DESIGNATION OF ADDITIONAL NATIONAL FOREST SYSTEM LANDS IN JEFFERSON NATIONAL FOREST, VIRGINIA, AS WILDERNESS OR A WILDERNESS STUDY AREA.

(a) DESIGNATION OF WILDERNESS.—Section 1 of Public Law 100–326 (102 Stat. 584; 16 U.S.C. 1132 note), as amended by Public Law 106–471 (114 Stat. 2057), is further amended—

(1) in the matter preceding paragraph (1), by striking ''System—'' and inserting ''System:'';

(2) by striking ''certain'' at the beginning of paragraphs (1) through (8) and inserting ''Certain'';

(3) by striking the semicolon at the end of paragraphs (1) through (6) and inserting a period;

(4) by striking ''; and'' at the end of paragraph (7) and inserting a period; and

(5) by adding at the end the following new paragraphs:

''(9) Certain lands in the Jefferson National Forest, which comprise approximately 3,769 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated February 2007, and which shall be known as the Brush Mountain East Wilderness.

''(10) Certain lands in the Jefferson National Forest, which comprise approximately 4,794 acres, as generally depicted on the map entitled 'Brush Mountain and Brush Mountain East' and dated February 2007, and which shall be known as the Brush Mountain Wilderness.

''(11) Certain lands in the Jefferson National Forest, which comprise approximately 4,223 acres, as generally depicted on the map entitled 'Seng Mountain and Raccoon Branch' and dated February 2007, and which shall be known as the Raccoon Branch Wilderness.

''(12) Certain lands in the Jefferson National Forest, which comprise approximately 3,270 acres, as generally depicted on the map entitled 'Stone Mountain' and dated February 2007, and which shall be known as the Stone Mountain Wilderness.

''(13) Certain lands in the Jefferson National Forest, which comprise approximately 8,470 acres, as generally depicted on the map entitled 'Hunting Camp Creek and Garden Mountain' and dated February 2007, and which shall be known as the Hunting Camp Creek Wilderness.

''(14) Certain lands in the Jefferson National Forest, which comprise approximately 3,291 acres, as generally depicted on the map entitled 'Hunting Camp Creek and Garden Mountain' and dated February 2007, and which shall be known as the Garden Mountain Wilderness.

''(15) Certain lands in the Jefferson National Forest, which comprise approximately 5,476 acres, as generally depicted on the map entitled 'Mountain Lake Additions' and dated February 2007, and which are hereby incorporated in the Mountain Lake Wilderness designated by section 2(6) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

''(16) Certain lands in the Jefferson National Forest, which comprise approximately 308 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated February 2007, and which are hereby incorporated in the Lewis Fork Wilderness designated by section 2(3) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

''(17) Certain lands in the Jefferson National Forest, which comprise approximately 1,845 acres, as generally depicted on the map entitled 'Lewis Fork Addition and Little Wilson Creek Additions' and dated February 2007, and which are hereby incorporated in the Little Wilson Creek Wilderness designated by section 2(5) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

''(18) Certain lands in the Jefferson National Forest, which comprise approximately 2,249 acres, as generally depicted on the map entitled 'Shawvers Run Additions' and dated February 2007, and which are hereby incorporated in the Shawvers Run Wilderness designated by paragraph (4).

''(19) Certain lands in the Jefferson National Forest, which comprise approximately 1,203 acres, as generally depicted on the map entitled 'Peters Mountain Addition' and dated February 2007, and which are hereby incorporated in the Peters Mountain Wilderness designated by section 2(7) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

''(20) Certain lands in the Jefferson National Forest, which comprise approximately 263 acres, as generally depicted on the map entitled 'Kimberling Creek Additions and Potential Wilderness Area' and dated February 2007, and which are hereby incorporated in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).''.

(b) DESIGNATION OF WILDERNESS STUDY AREA.—Section 6(a) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3108) is amended—

(1) by striking ''certain'' at the beginning of paragraphs (1) through (4) and inserting ''Certain'';

(2) by striking the semicolon at the end of paragraphs (1) and (2) and inserting a period;

(3) by striking ''; and'' at the end of paragraph (3) and inserting a period; and

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

''(5) Certain lands in the Jefferson National Forest, which comprise approximately 3,226 acres, as generally depicted on a map entitled 'Lynn Camp Creek Wilderness Study Area' and dated February 2007, and which shall be known as the Lynn Camp Creek Wilderness Study Area.''.

(c) MAPS AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a map and legal description of each wilderness area designated or expanded by the amendments made by subsection (a) and of the Lynn Camp Creek Wilderness Study Area designated by the amendment made by subsection (b).

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and descriptions. In the case of any discrepancy between the acreage specified in the amendments made by subsection (a) or (b) and the corresponding map filed under paragraph (1), the map shall control.

(3) AVAILABILITY.—The maps and legal descriptions referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) ADMINISTRATION.—

(1) NEW WILDERNESS AREAS.—Subject to valid existing rights, the Secretary of Agriculture shall administer the lands in the Jefferson National Forest designated as a new wilderness area by the amendments made by subsection (a) in accordance with this section and the Wilderness Act (16 U.S.C. 1131 et seq.), except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

(2) EXPANDED WILDERNESS AREAS.—Subject to valid existing rights, the Secretary of Agriculture shall administer the lands in the Jefferson National Forest designated as wilderness and incorporated into an existing wilderness area by the amendments made by subsection (a) in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and other laws applicable to that wilderness area, except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.

SEC. 3. DESIGNATION OF KIMBERLING CREEK POTENTIAL WILDERNESS AREA, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain lands in the Jefferson National

Forest, which comprise approximately 349 acres, as generally depicted on the map entitled ''Kimberling Creek Additions and Potential Wilderness Area'' and dated February 2007, are designated as a potential wilderness area for eventual incorporation in the Kimberling Creek Wilderness designated by section 2(2) of the Virginia Wilderness Act of 1984 (Public Law 98–586; 98 Stat. 3105).

(b) MAP AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a map and legal description of potential wilderness area.

(2) FORCE AND EFFECT.—The map and legal description referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the map and description. In the case of any discrepancy between the acreage specified in subsection (a) and the map filed under paragraph (1), the map shall control.

(3) AVAILABILITY.—The map and legal description referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) MANAGEMENT.—Except as provided in subsection (d) and subject to valid existing rights, the Secretary of Agriculture shall manage the potential wilderness area as wilderness pending its incorporation in the Kimberling Creek Wilderness.

(d) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, and any other activities necessary to restore the natural ecosystems in the potential wilderness area), the Secretary of Agriculture may use motorized equipment and mechanized transport in the potential wilderness area until its incorporation in the Kimberling Creek Wilderness.

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(e) WILDERNESS DESIGNATION.—The potential wilderness area shall be designated as wilderness and incorporated in the Kimberling Creek Wilderness on the earlier of—

(1) the date on which the Secretary of Agriculture publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is five years after the date of the enactment of this Act.

(f) ADMINISTRATION.—Subject to valid existing rights, upon incorporation of the lands designated as wilderness under subsection (e) in the Kimberling Creek Wilderness, the Secretary of Agriculture shall administer the lands in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and other laws applicable to that wilderness area, except that, with respect to such lands, any reference in the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the date on which the lands are designated as wilderness under subsection (e).

SEC. 4. DESIGNATION OF SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS, JEFFERSON NATIONAL FOREST, VIRGINIA.

(a) ESTABLISHMENT.—The following National Forest System lands in the State of Virginia are hereby designated as National Scenic Areas (in this section referred to as the ''scenic areas''):

(1) Certain lands in the Jefferson National Forest, which comprise approximately 6,455 acres, as generally depicted on the map entitled ''Seng Mountain and Raccoon Branch'' and dated February 2007, and which shall be known as the Seng Mountain National Scenic Area.

(2) Certain lands in the Jefferson National Forest, which comprise approximately 5,128 acres, as generally depicted on the map entitled ''Bear Creek'' and dated February 2007, and which shall be known as the Bear Creek National Scenic Area.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) FILING.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall file with the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives a map and legal description of each of the scenic areas.

(2) FORCE AND EFFECT.—The maps and legal descriptions referred to in paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and descriptions. In the case of any discrepancy between the acreage specified in subsection (a) and the corresponding map filed under paragraph (1), the map shall control.

(3) AVAILABILITY.—The maps and legal descriptions referred to in paragraph (1) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(c) PURPOSES OF SCENIC AREAS.—The scenic areas are established for the purposes of—

(1) ensuring the protection and preservation of scenic quality, water quality, natural characteristics, and water resources;

(2) protecting wildlife and fish habitat, consistent with paragraph (1);

(3) protecting areas that may develop characteristics of old-growth forests; and

(4) providing a variety of recreation opportunities, consistent with the preceding paragraphs.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of Agriculture shall administer the scenic areas in accordance with this section and the laws and regulations generally applicable to the National Forest System. In the event of conflict between this section and other laws and regulations, this section shall take precedence.

(2) CONSISTENT USE.—The Secretary shall only allow such uses of the scenic areas as the Secretary finds will further the purposes for which the scenic areas are established.

(e) MANAGEMENT PLAN.—Within two years after the date of the enactment of this Act, the Secretary of Agriculture shall develop a management plan for the scenic areas consistent with this section. The management plan shall be developed as an amendment to the land and resource management plan for the Jefferson National Forest, except that nothing in this section requires the Secretary to revise the land and resource management plan for the Jefferson National Forest pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(f) ROADS.—After the date of the enactment of this Act, no roads shall be established or constructed within the scenic areas, except that this prohibition shall not be construed to deny access to private lands or interests therein in the scenic areas.

(g) VEGETATION MANAGEMENT.—No timber harvest shall be allowed within the scenic areas, except as the Secretary of Agriculture finds necessary in the control of fire, insects, and diseases and to provide for public safety and trail access. Notwithstanding the preceding sentence, the Secretary may engage in vegetation manipulation practices for maintenance of existing wildlife clearings and visual quality. Firewood may be harvested for personal use along perimeter roads under such conditions as the Secretary may impose.

(h) MOTORIZED TRAVEL.—Motorized travel shall not be permitted within the scenic areas, except that the Secretary of Agriculture may authorize motorized travel within the scenic areas—

(1) as necessary for administrative use in furtherance of the purposes of this section;

(2) in support of wildlife management projects in existence as of the date of the enactment of this Act; and

(3) on Forest Development Roads 9410 and 84b during deer and bear hunting seasons and on that portion of Forest Development Road 6261 designated on the map referred to in subsection (a)(2) as ''open seasonally'' during deer and bear hunting seasons.

(i) FIRE.—Wildfires in the scenic area shall be suppressed in a manner consistent with the purposes of this section, using such means as the Secretary of Agriculture considers appropriate.

(j) INSECTS AND DISEASE.—Insect and disease outbreaks may be controlled in the scenic areas to maintain scenic quality, prevent tree mortality, reduce hazards to visitors, or protect private lands.

(k) WATER.—The Secretary of Agriculture shall administer the scenic areas so as to maintain and enhance water quality.

(l) MINING WITHDRAWAL.—Subject to valid existing rights, all federally owned lands in the scenic areas are withdrawn from location, entry, and patent under the mining laws of the United States and from leasing claims under the mineral and geothermal leasing laws of the United States, including amendments to such laws.

SEC. 5. TRAIL PLAN AND DEVELOPMENT.

(a) TRAIL PLAN.—The Secretary of Agriculture shall establish a trail plan for National Forest System lands described in this subsection in order to develop the following:

(1) Hiking and equestrian trails on the lands in the Jefferson National Forest designated as wilderness by the amendments made by section 2(a), in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) Nonmotorized recreation trails within the Seng Mountain and Bear Creek Scenic Areas designated by section 4.

(b) CONSULTATION.—The Secretary of Agriculture shall establish the trail plan in consultation with interested parties.

(c) IMPLEMENTATION REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on the implementation of the trail plan, including the identification of priority trails for development.

(d) TRAIL REQUIRED.—The Secretary of Agriculture shall develop a sustainable trail, using a contour curvilinear alignment, to provide a continuous connection for non-motorized travel between County Route 650 and Forest Development Road 4018 in Smyth County, Virginia.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the amendment printed in House Report 110–403 if offered by the gentleman from Virginia (Mr. GOODLATTE) or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Alaska (Mr. YOUNG) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I yield to the gentleman from Virginia (Mr.

SCOTT) for the purpose of a unanimous consent request.

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 1011, the Virginia Ridge and Valley Act of 2007, introduced by my colleague from Virginia's Ninth Congressional District, Congressman RICK BOUCHER. I am proud to have been an original cosponsor of this important conservation legislation in this Congress and in the last Congress and I commend Congressman BOUCHER for all his hard work on this bill over the years.

This bipartisan bill will protect approximately 54,000 acres of the Jefferson National Forest in Virginia through the designation of additional wilderness areas and the creation of new National Scenic Areas. Although mechanized traffic and equipment would be prohibited in much of these areas, recreational activities would be permitted and encouraged throughout these new designations contributing to the local economy of Southwest Virginia. Protecting these additional acres of pristine forest will ensure that future generations will be able to enjoy the natural beauty of Southwest Virginia. We must also be vigilant in protecting environmentally sensitive areas by promoting responsible land use plans, which this bill does.

The bill before us today was reported out of the Natural Resources Committee by voice vote, is endorsed by the U.S. Forest Service, and is supported by Virginia Governor TIM KAINE, members from both parties in the Virginia delegation, both of Virginia's Senators, JOHN WARNER and JIM WEBB, the Board of Supervisors in Bland County, Craig County, Montgomery County, and Smyth County, and various environmental organizations, including the League of Conservation Voters, the Garden Club of Virginia, the Natural Resources Defense Council, the Sierra Club, the Wilderness Society, and the Virginia Wilderness Committee.

Mr. Speaker, this bill is vitally important to conservation efforts in the Commonwealth of Virginia and to guaranteeing that future generations of Americans can experience the natural wonder and beauty of Southwest Virginia. I applaud Congressman BOUCHER and his staff for all of their hard work on this bill. I encourage my colleagues to support the legislation and I encourage each of them to experience firsthand the pristine natural beauty of Southwest Virginia.

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

H.R. 1011, the Virginia Ridge and Valley Act, was introduced by my friend and neighboring colleague, Representative RICK BOUCHER.

The bill designates nearly 40,000 acres in the Jefferson National Forest as wilderness and nearly 12,000 acres as National Scenic Areas. These natural spaces represent some of the true wild gems of the Commonwealth of Virginia and my State of West Virginia.

H.R. 1011 is a strong bipartisan measure that is cosponsored by several other representatives from Virginia. H.R. 1011 also has broad support from Governor Tim Kaine, both Virginia Senators, four county boards of supervisors, local businesses, State organizations, hunters and faith groups.

Each of the areas within H.R. 1011 were either recommended for wilderness designation in the 2004 Jefferson National Forest Plan or have been endorsed by the local board of supervisors of the relevant county. All the areas of H.R. 1011 are located within the district of Representative BOUCHER, who has been a true leader and fighter for this legislation and deserves the commendation of us all.

All are located within his District, as I said, with the exception of a 555 wilderness-acre addition that I am proud to note is in my congressional district in Monroe County, West Virginia. Wilderness designation is not new to this portion of Virginia. In addition to designating six new wilderness areas, the legislation provides for additions to six existing wilderness areas.

The people of this area are well acquainted with wilderness, and H.R. 1011 reflects their desire to preserve these natural treasures. By designating wilderness, the Congress has long recognized that there are some places that should be left to the management of Mother Nature and that the all-knowing Creator's careful handiwork is something worth conserving and cherishing.

H.R. 1011 is a well-crafted and meritorious measure that has broad support for those who live in the area and their elected officials.

Mr. Speaker, I urge adoption of the bill in the House today.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I come from a State which has more of its land locked up in wilderness than any other State, 58 million acres. This is larger than the entire State of New York and accounts for 56 percent of all the wilderness in the United States, so I think I know wilderness. I know that a lot of wilderness in Alaska is designated for reasons that have little to do with the stated goals of the Wilderness Act.

The designations have blocked vital uses of these lands and blocked access to State and private resources that we Alaskans were promised when we entered statehood. There have been and still are major consequences for what Congress did in 1980. In the East, where most of you come from, that is not always the case.

All I can say is that if this is what Mr. BOUCHER and his constituents want in Virginia, then good luck. I can guess that one day, I think that one day they will regret this action. Given Virginia's population growth, the severe risk of forest fires, such as they are in California today, caused by sustained drought, I believe all but two counties have been declared disaster areas by the Governor last week, problems with gypsy moths and other agricultural threats to this area and the dampening effect that wilderness restrictions can have on the development of adjacent areas, you may wonder why you have brought this upon yourself. We should be looking to give the Forest Service more tools to manage our lands, not taking them away, which is exactly what wilderness does.

Once this bill becomes law, our constituents, your constituents, may find that they may not be able to burn wood in their fireplaces that keep them warm in the winter because their quality of wilderness must be protected, or that a new school or hospital can't be built because the view shed for the wilderness could be affected. People are even talking about ''smellscapes'' when it comes to wilderness areas, so enjoy your Weber grill right now while you can.

The committee should also know that H.R. 1011 designates nearly 27,000 acres of wilderness above what was recommended by the Forest Service. This is contrary to the recently revised Jefferson National Forest Plan, which took 11 years, millions of dollars, and extensive public involvement to create. We asked for this study. They followed the rules, but now we are ignoring the professional land managers.

In addition, H.R. 1011 will endanger citizens living near this proposed wilderness area by tying the hands of the Forest Service, who need to perform proactive treatments that could reduce the risk of wildfires. Wildfires, I keep stressing that because we are seeing what is happening in California. If they cleared off those forests around those homes, they would not be burning today, but that was prohibited.

Nonqualifying areas are now being actively managed for endangered threatened species protection, and this could come to an end.

The amendment filed by Mr. GOODLATTE helps mitigate some of these issues, and I will strongly support the amendment. Most notably, the amendment will remove 26 acres which contain a power line and remove 1,263 acres from the proposed designation to allow continued use of the Barton Gap Motorized trail and Wildlife Habitat Management in key areas.

I could go on and on about this. I just want to warn people, it is not the area we are talking about; it is the Wilderness Act itself, and it should be upgraded. I encourage my chairman to do so so that we can address those problems that can occur from the designation of wilderness, taking care of gypsy moths, taking care of the fires, taking care of the ability to access and to have the availability of the area for public use. If we do not do that, then I think we are doing ourselves a great mistake.

I do not live in this area. I am not affected by it. That's why, very frankly, I am not raising some of the objections that I should have raised to it.

I think you will learn, though, in the long run, you are not doing yourselves a favor. The Forest Service themselves can manage this land in a manner that will take and provide for the people. It

does not have to be designated as a wilderness area.

Again, it has already been done. We have moved it out of committee, and I will say, again, may I not be on this floor when you come back to say we have to revise it.

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

□ 1715

Mr. RAHALL. Mr. Speaker, I'm very proud to yield 5 minutes to my dear friend and the very powerful subcommittee Chair of Energy and Air Quality, Mr. BOUCHER.

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

Mr. BOUCHER. Mr. Speaker, I want to thank the gentleman from West Virginia (Mr. RAHALL) who, with such distinction, chairs the Committee on Natural Resources, for his leadership and his very able assistance in bringing this measure to the House floor today.

Earlier this year, I introduced the legislation, along with other members of Virginia's House delegation. In fact, original cosponsors of this legislation comprise a majority of Virginia's House delegation, and it is a bipartisan majority of that delegation. And I want to express my appreciation to our colleagues from Virginia, Representatives WOLF, DAVIS, SCOTT and MORAN for coauthoring the bill, along with me, and for their strong support of this effort. I would also note, Mr. Speaker, that the legislation was coauthored by our recently departed colleague, Mrs. Davis as well.

Again, on a bipartisan basis, Virginia's United States Senators have introduced a measure identical to the bill that is under consideration today.

The Virginia Ridge and Valley Act offers needed protection to 53,000 acres of national forest land in the congressional district that I have the privilege of representing. It extends protection to approximately 550 acres of the Jefferson National Forest situated in our neighboring State of West Virginia, in the congressional district represented by Chairman RAHALL.

Of the total acreage protected, 43,000 acres will receive the wilderness designation, and 10,000 acres will become new national scenic areas. These designations confer both economic and environmental benefits that are of great importance to our region.

Virginia's national forest provides an excellent outdoor experience with our State's highest mountains, fast-flowing rivers and superb hunting, camping, fishing, backpacking, winter sports and other activities.

Our existing wilderness areas are treasured by a growing number of travelers who collectively are boosting Virginia's tourism economy. In fact, tourism is among the fastest growing of all the industries in my congressional district; and our existing wilderness areas, which are a haven for outdoor activities and recreation of various kinds, are a significant contributor to that current growth in the economy within my region.

The protections we're extending today for lands containing rare treasures of Virginia's natural heritage and the permanent protection that will then be afforded will further enhance our region's travel economy. These designations also protect old-growth timber, wildlife habitat, and our region's clean water resources.

Virginia has a long and proud history of resource conservation and protection of our diverse ecosystems. We have continual awareness of the unique role that our natural landscape plays in our culture and in our State's history. That awareness is reflected in the bipartisan support for this measure in both our House and Senate delegations. It is reflected in the endorsement of this bill by local governments in my congressional district, and it is reflected in the endorsements for the bill of numerous civic organizations and literally of scores of local businesses.

With thanks to the six Virginia cosponsors, and all who have assisted us, and particular thanks to Chairman RAHALL of the Natural Resources Committee, and his outstanding staff, I urge passage of the Virginia Ridge and Valley Act.

Over the last several weeks, I have been engaged in discussions with my friend and colleague, the gentleman from our neighboring Sixth Congressional district in Virginia (Mr. GOODLATTE) regarding the possibility of adjusting the boundaries of some of the areas receiving protection in this legislation.

Mr. GOODLATTE will be offering an amendment shortly that reflects our conversations and our agreement to adjust some of those boundaries. I'll be urging the adoption of Mr. GOODLATTE's amendment when that amendment is offered later this afternoon.

I, again, thank the gentleman from West Virginia for yielding this time to me.

Mr. YOUNG of Alaska. Mr. Speaker, I appreciate the gentleman that just spoke and his presentation. I just, again, wish that people would understand it's not the wilderness itself; it's how the act has been written. And if you think you're going to make a living off of coffee shops and tourism, these are low-grade paying jobs. I've seen it happen. I've seen my town of Ketchikan. We created a forest that we can't harvest and we took $80,000 jobs now down to the minimum wage. That will happen too. So I just, and it's too late, it's your district. You believe in what you say, and I commend you for it. But this is not the economy which I see, serving those that come from the larger urban areas, the elitists, as I call it.

And this area, by the way, was farmed at one time, as you know, and timbered and mined. People had jobs that provided and produced. We are rapidly becoming a Nation of consumption and of no production, of pleasure and no sweat.

Having said that, I have no other speakers, and yield back the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, in 1964 Congress created the Wilderness Preservation System to recognize and protect pure, untarnished areas of land. With a wilderness designation, the land is off-limits to development, natural resource extraction and most forms of mechanized activity. Congress created this system as they witnessed these natural splendors continuing to disappear. Forty years later, lands remain eligible for such a designation, but Congress has failed to provide them protection.

These areas are rarer today than ever before. Failure to protect them now would leave them vulnerable to actions that could jeopardize the inherent qualities that make them eligible to be classified as wilderness.

With passage, the House will designate 43,000 acres of the Jefferson National Forest as wilderness and add 12,000 acres to the National Scenic Areas inventory. With this action we will ensure our nation's children and grandchildren visiting our great Commonwealth in the years to come, will have the same access to pristine lands as was available to us and those who preceded us.

The solitude that can be found in these areas is something every American should experience. It harkens back to the founding of this great nation and provides an insight into the minds of those gone by.

As we continue to experience economic gains, we can also expect continued population growth, sprawl and strain on our environment. With these combined factors, our untarnished lands grow increasingly vulnerable, but they also grow increasingly valuable.

Let us act to protect them now. Protect them for their beauty. Protect them for their purity. Protect them for our children.

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

The SPEAKER pro tempore. All time for debate on the bill has expired.

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

Mr. GOODLATTE. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 110–403 offered by Mr. GOODLATTE:

Page 3, line 20, strike ''3,769 acres'' and insert ''3,743 acres''.

Page 3, line 22, strike ''February'' and insert ''October''.

Page 12, line 23, strike ''6,455 acres'' and insert ''5,192 acres''.

Page 12, line 25, strike ''February'' and insert ''October''.

Page 18, beginning line 6, strike subsection (d) and insert the following new subsection:

(d) TRAIL REQUIRED.—The Secretary of Agriculture shall develop a sustainable trail, using a contour curvilinear alignment, to provide for non-motorized travel along the southern boundary of the Raccoon Branch Wilderness established by section 1(11) of Public Law 100–326, as added by (2)(a) of this Act, connecting to Forest Development Road 49352 in Smyth County, Virginia.

The SPEAKER pro tempore. Pursuant to House Resolution 763, the gentleman from Virginia (Mr. GOODLATTE)

and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Mr. Speaker, I rise today to offer an amendment which represents an agreement just referenced by my friend and colleague, Mr. BOUCHER, and myself regarding some of the concerns with regard to H.R. 1011, the Virginia Ridge and Valley Act. And I'd like to thank Congressman BOUCHER and congratulate him for his hard work on this legislation over a number of years, and thank him for working with me to address some of these important issues.

H.R. 1011, the Virginia Ridge and Valley Act, creates over 40,000 acres of wilderness, wilderness study, and potential wilderness and over 11,000 acres of national scenic areas in the Jefferson National Forest in southwest Virginia.

Mr. BOUCHER and I share the Jefferson National Forest between our districts. Although this bill affects only national forest land within Mr. BOUCHER's district, any change in how the forest is managed will impact my district.

My amendment addresses three areas. First, it modifies the boundary of the Brush Mountain East Wilderness Area, removing 26 acres containing a power line which is not consistent with wilderness qualities.

Second, the amendment changes the boundaries of the Seng Mountain National Scenic Area, removing 1,263 acres from the area to allow continued use of the Barton Gap Motorized Trail and to allow for wildlife habitat management.

Finally, the amendment changes the trail language for the Raccoon Branch Area, allowing the Forest Service more flexibility when building the trail.

While I'm pleased to offer this amendment, it does not resolve all the concerns I have with the bill. The fact still remains that this bill ignores the recommendations of the professional land managers working in the Jefferson National Forest by designating 15,000 additional wilderness acres not recommended in the forest plan.

When the House Agriculture Committee held a hearing on H.R. 1011 earlier this month, several witnesses highlighted serious concerns with these additional wilderness areas. These experts noted forest health and wildfire risks, increased recreation conflicts, lack of suitability as wilderness and wildlife management needs.

Mr. Speaker, there is a reason why Congress mandated that each national forest create a forest plan. Forest plans help the land management agencies find a balance among all the conflicting interests in national forests and factor in the latest science and cite specific qualities unique to each forest. Professional land managers then use this information to chart a path for managing each forest for the coming years.

The Jefferson Forest Plan, finalized in 2004, was developed over a 12-year period and involved countless scientists, land managers, interest groups and interested citizens. Throughout the process, the Forest Service held over 100 technical meetings and received over 15,000 public comments.

This local approach is what Congress intended when it established the national forests. Instead of resisting this localized process, H.R. 1011 tells the professional land managers and the public participants that the forest plan is not important. It says that no matter how much discussion and compromise goes on at the local level, or how good the science is, Congress knows best how to manage the national forest.

Mr. Speaker, this is not the best way to manage the Nation's public forests. And that's why I have worked with my colleague, Mr. BOUCHER, to try to rectify these concerns. Until this bill is more reflective of the local perspectives and expert opinions in the forest plan, I will continue to have concerns with H.R. 1011.

I urge my colleagues to vote ''yes'' on this amendment, however, because I do think that the gentleman has been very forthcoming in working with us and hearing our concerns. And I hope that that will continue as this process moves forward, and I would hope that the chairman of the Resources Committee would work with us as well to continue to address concerns that we have as the bill moves through the other body.

Again, I thank the gentleman from Virginia for his hard work on this legislation, for his willingness to work with me in addressing these concerns. I wish more had been addressed, but I thank him for where he has come.

I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I rise to claim the time in opposition to the amendment.

The SPEAKER pro tempore. Is the gentleman opposed to the amendment?

Mr. BOUCHER. I would say to the Speaker that I rise for purposes of claiming the time in opposition, although I will not actually oppose the amendment.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia is recognized for 5 minutes.

There was no objection.

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

Mr. BOUCHER. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. GOODLATTE) for the good work that we have been able to do together on the amendment that he offers this afternoon. I want to thank him for the time that he and I have expended in conversations about the subject matter the amendment addresses, and for the considerable amount of time that his very capable staff and mine have also expended on this matter. The staffs have focused on it a bit more than we have.

Collectively, I think we've done a very good job in addressing a range of the concerns that the gentleman from Virginia last expressed. These adjustments are being made in a manner which I think improves the bill, and it is my intention to urge that the amendment be adopted.

Under the amendment, 26 acres will be removed from the Brush Mountain East Wilderness Area in order to ensure that an existing power line is not within the wilderness boundary.

Another adjustment is of 1,263 acres, and that is in the Seng Mountain Scenic Area, which will carve out a motorcycle trail and an area appropriate for bear habitat management.

Another portion of the amendment provides greater flexibility for the Forest Service regarding trail construction adjacent to the Raccoon Branch designated area.

And as I indicated, these changes improve the legislation, and I urge adoption of the amendment which makes them.

As for the underlying bill, I would point out that this is truly a bipartisan measure. It is cosponsored in this body by a majority of Virginia's House delegation, including three original Republican sponsors, three original Democratic sponsors.

In the other body, both of Virginia's United States Senators, on a bipartisan basis, have introduced the identical measure. And so the construction of this legislation arises from a deep bipartisan conversation that has proceeded over a number of years.

It also strongly reflects the desires of the people in the district that I have the privilege of representing. It is true that some of the areas added for protection in this measure go beyond what the forest plan devised by the Jefferson National Forest management had recommended.

□ 1730

But nowhere is it written that Congress making ultimate public policy is in some way disabled from adding areas for protection that go beyond what the agency suggests it would like to see.

We have incorporated the recommendations made in the forest plan, and we have added selected additional acreages that have been endorsed by the local governments, by the elected boards of supervisors that reflect the will of the people and the counties where these added areas are situated.

I would also note that large numbers of civic organizations and scores of locally owned businesses have endorsed the passage of this measure. And it clearly, given that broad base of support, bipartisan here, and among elected representatives, local businesses, civic organizations, and others in the district that I represent, clearly represents the will of what the people in that part of Virginia would like to have.

So, Mr. Speaker, I hope that our colleagues will join us in approving this legislation and in adopting the amendment offered by the gentleman from Virginia.

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

Mr. GOODLATTE. Mr. Speaker, I yield the balance of my time to the gentleman from Alaska (Mr. YOUNG).

The SPEAKER pro tempore (Mr. DOYLE). The gentleman has 30 seconds.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

And I do thank both the gentlemen from Virginia. This is a good amendment. I urge the passage of this amendment. It does help the bill somewhat, and I think my colleagues would be wise to vote for it.

The SPEAKER pro tempore. Pursuant to House Resolution 763, the previous question is ordered on the bill, as amended, and on the further amendment by the gentleman from Virginia (Mr. GOODLATTE).

The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

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.

MOTION TO RECOMMIT OFFERED BY MR. LAMBORN

Mr. LAMBORN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LAMBORN. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Lamborn moves to recommit the bill H.R. 1011 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 2, add the following new subsection:

(e) MOTORIZED ACCESS IN EMERGENCIES.—The designation of lands as wilderness or a wilderness study area by an amendment made by this section does not prohibit the use of motor vehicles, motorized equipment, or motorboats or the landing of aircraft or other forms of mechanical transport, on the designated lands when required in connection with an emergency involving the health and safety of persons, including search and rescue efforts or the response to an Amber Alert.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado is recognized for 5 minutes in support of his motion.

Mr. LAMBORN. Mr. Speaker, the Wilderness Act is currently unclear as to when motorized access may be used for health and safety reasons in a wilderness area or in a wilderness study area.

This motion to recommit removes any ambiguity regarding the legality of responding to health and safety emergencies within the wilderness area designated by this bill.

Current law does not specifically authorize the use of motorized or mechanical equipment within wilderness areas in response to health and safety emergencies. The provision in the Wilderness Act dealing with health and safety issues is in parentheses and does not clearly define what types of motorized vehicles may be allowed for emergencies.

The fact is that health, safety, and fire concerns merit more than a single phrase in parentheses, as is the case in the Wilderness Act of 1964. There are 3,600 words in the Wilderness Act. A mere 15 words are devoted to health and safety.

The bill we are considering, H.R. 1011, designates 15,000 more wilderness acres than what the Forest Service recommended in the Jefferson National Forest. This is far more than what Forest Service professionals think is warranted. So the bigger the area, the bigger the potential fire, the harder it is to find a missing child, for instance, when an Amber Alert is issued.

We cannot stand by and risk even a single human life, which is why we must begin to update the law to state clearly that a wilderness designation does not stop motorized access from being used for emergencies. The current ambiguity in the language, which this motion to recommit fixes, is just simply unacceptable, Mr. Speaker.

This amendment does not threaten the wilderness designation. It just puts our priorities in the proper order. Human life must always be first.

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

Mr. RAHALL. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, the gentleman from Colorado's amendment would appear to be a restatement of what current law already is. And reading from that current law, it says, ''Except as specifically provided for in this act, and subject to existing private rights, there shall be no commercial enterprise and no permanent road within any wilderness area designated by this act and, except as necessary to meet minimum requirements for the administration of the area for the purpose of this act (including measures required in emergencies involving the health and safety of persons within the area), there shall be no temporary road, no use of motor vehicles, motorized equipment,'' et cetera, et cetera.

So there are exceptions in current law for health and safety of persons. So I would say to the gentleman that the gentleman's recommittal motion is redundant with current law.

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

Mr. RAHALL. I yield to the gentleman from Colorado.

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

Just briefly in response, I would like to say that the parenthetical phrase ''including measures required in emergencies'' is, I believe, unacceptably vague. It should not have to be the case where a Forest supervisor has to go get attorneys and call the lawyers to say, In this case, here's the situation: Is a boat okay or do we have to use horseback or can we go on foot? It's just simply not clear enough.

Mr. RAHALL. Reclaiming my time, Mr. Speaker, I would respond to the gentleman that if such were necessary, I would think that the Forest Service would come to us making these recommendations. But we have not received such recommendations from the Forest Service, and, therefore, the language is not necessary.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. LAMBORN. 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 236, nays 178, not voting 18, as follows:

[Roll No. 994]

YEAS—236

Aderholt
Akin
Alexander
Altmire
Bachmann
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
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Dicks
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Ehlers
Ellsworth
Emerson
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Eshoo
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
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Poe
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Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
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Rogers (AL)
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Ross
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Welch (VT)
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Weller
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Hall (NY)
Hare
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Higgins
Hinchey
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Hooley
Hoyer
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Israel
Jackson (IL)
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Johnson (GA)
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Tsongas
Udall (CO)
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Carson
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Feeney
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Issa
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Johnson, E. B.
Obey
Paul
Reyes
Wilson (OH)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1807

Messrs. JACKSON of Illinois, COHEN, HARE, ELLISON, SIRES, STUPAK, WU, HOYER, GORDON of Tennessee, COURTNEY, VAN HOLLEN, LINCOLN DAVIS of Tennessee, RUSH, HALL of New York, OLVER, PASCRELL, LEVIN, CONYERS, CARNAHAN, RANGEL, MILLER of North Carolina, and FARR, Mrs. MALONEY of New York, Ms. BERKLEY, Ms. CLARKE and Ms. CASTOR changed their vote from ''yea'' to ''nay.''

Messrs. BROWN of South Carolina, KAGEN, CHANDLER, PETERSON of Pennsylvania, BOREN, KING of Iowa, KLEIN of Florida, EDWARDS, THOMPSON of California, LAMPSON, MURPHY of Connecticut, DICKS, RYAN of Ohio, SALAZAR, ROSS, WELCH of Vermont, CRAMER, BISHOP of Georgia, and Ms. ESHOO changed their vote from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HALL of New York. Mr. Speaker, tonight, as part of consideration of the Virginia Ridge and Valley Act of 2007, the minority offered a motion to recommit forthwith with the proclaimed intent of clarifying the circumstances under which motorized vehicles can enter wilderness areas. However, I am concerned that the language of the motion may actually work at cross purposes with that goal.

The MTR stated that: ''The designation of lands as wilderness or a wilderness study area by an amendment made by this section does not prohibit the use of motor vehicles, motorized equipment, or motorboats or the landing of aircraft or other forms of mechanical transport, on the designated lands when required in connection with an emergency involving the health and safety of persons, including search and rescue efforts or the response to an Amber Alert.''

I don't know anyone who believes that we shouldn't be able to use motorized equipment in a wilderness to react to an emergency. It's common sense, and that's why it's already included in the underlying statute. In fact, the underlying law makes the allowance for motorized equipment in a health or safety emergency without enumerating specific types of equipment or circumstances, giving the widest possible scope of interpretation. I am concerned that by listing specific pieces of equipment and circumstances, the motion offered tonight could have caused more confusion and possibly limited the ability to respond to emergencies, despite any good intentions. For this reason, I voted against it.

Mr. RAHALL. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report H.R. 1011 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of section 2, add the following new subsection:

(e) MOTORIZED ACCESS IN EMERGENCIES.—The designation of lands as wilderness or a wilderness study area by an amendment made by this section does not prohibit the use of motor vehicles, motorized equipment, or motorboats or the landing of aircraft or other forms of mechanical transport, on the designated lands when required in connection with an emergency involving the health and safety of persons, including search and rescue efforts or the response to an Amber Alert.

The SPEAKER pro tempore. 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, was read the third time, and passed, and a motion to reconsider was laid on the table.

HONORING NORTHWEST GEORGIA YWCA

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

Mr. GINGREY. Mr. Speaker, I rise today to honor the Young Women's Christian Association, or YWCA of Northwest Georgia for their efforts to eliminate the epidemic of domestic violence that transcends all ethnic, racial, age, gender and socioeconomic boundaries.

The YWCA of Northwest Georgia, under the leadership of Executive Director Holly Comer, has made it their mission to bring the issue of domestic violence to the forefront and to educate Georgians on ways to prevent abuse and violence within the home.

Mr. Speaker, the YWCA of Northwest Georgia is not only the sole domestic violence shelter located in the heart of my 11th District in Cobb County, but has also taken a leadership role in combating domestic violence throughout the State of Georgia.

It was, in fact, the YWCA of Northwest Georgia that open the very first shelter for victims of domestic violence in the State of Georgia. Through the ministry of Cobb Shelter, the YWCA has worked together with victims, families, social service providers, and criminal justice officials to stop the spread of domestic violence

Mr. Speaker, I ask that my colleagues join me in recognizing YWCA of Northwest Georgia and similar groups throughout the country for their contributions toward making our Nation's homes safer places for our children and families.

THE GRAVE OF LANCE CORPORAL JEREMY BURRIS

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

Mr. POE. Mr. Speaker, Lance Corporal Jeremy Burris, 22, was buried last week in Liberty, Texas, after being killed in Iraq. This young marine was honored at a funeral by the entire town for his heroism.

But a few days after his funeral, outlaws desecrated Jeremy's grave site. Some reports indicate the suspected criminals may have been antiwar peaceniks that commit violence in the name of peace. They disrespect and dishonor the dead by their vandalism.

But whoever committed such dastardly deeds should be quickly captured by the local sheriff. After these grave-desecrating criminals are convicted, they should be sentenced to serve time at Gitmo prison in Guantanamo Bay. After all, that is where America houses other war criminals.

So, Mr. Speaker, those that commit crimes against the graves of our fallen war dead are nothing more than war criminals and should be treated as such, because justice is the one thing we should always find.

And that's just the way it is.

□ 1815

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE 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 North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IN RECOGNITION OF JAMES T. BATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, I rise to acknowledge an extraordinary staff member who has moved on after 20 years with the House Budget Committee, Jim Bates.

James T. Bates, the Committee's Republican chief of staff, recently accepted a position as associate program director at the Office of Management and Budget. Ordinarily, that would be a significant, though not surprising, step in a career dedicated to Washington fiscal policy. But there is nothing ordinary about this case.

Jim Bates's two decades of service represents the longest tenure of any Budget Committee staffer. He served in various capacities during this time, including those of minority counsel, chief majority counsel and deputy chief of staff before rising to the top slot in late 2004. In each of those roles he demonstrated a singular dedication.

He came to be known as a true believer in the value of congressional budgeting; a stickler for adhering to the budget disciplines written in law and in convention; and a thoroughly convinced proponent of the institution of the Budget Committee. He is as closely identified with the committee as is the Congressional Budget Act itself. It is nearly impossible to think of one without the other.

Mr. Speaker, you can't go back over the last 20 years and look at the enforcement of the Budget Committee, the preservation of the Budget Act, without thinking of Jim Bates.

Jim started with the committee in January of 1988, a time when the Republican minority offices were across Highway 395, on the second floor of the Ford Office Building, then simply called Annex Two. He worked initially as a budget analyst, covering Income and Social Security, but before long he found his real niche as committee counsel. Here, he mastered the intricate details and subtleties of the Budget Act; he vigorously protected the committee's jurisdiction, and, when possible, expanded it. He also developed a unique understanding of budget arcana, something I can clearly testify to, such as the Gramm-Rudman baseline or the pay-as-you-go rule.

Here are some highlights of his congressional career: he participated in the famous Andrews Air Force Base negotiations that produced the budget agreement of 1990. In 1993, he coordinated drafting the narrowly defeated Penny-Kasich amendment. In 1997, he anchored the legislative language for the Balanced Budget Act, which a year later produced the first budget surplus in nearly four decades. Shortly thereafter, he developed a bipartisan plan for the first comprehensive budget process reform since the Budget Act was created in 1974.

In 2005, he oversaw the staff work that led to that year's Deficit Reduction Act, the first in a long time. In 2006, he was immensely helpful to me in writing the Legislative Line Item Veto Act, designed to allow the President to strike individual spending items without violating Congress's constitutional prerogatives.

Jim is an avid fisherman, which shows a greatness of soul. He is a fan of the renowned author Ray Bradbury, which reflects a creative mind. He might misplace his car keys or his BlackBerry, but he has never lost his conviction about budgeting, or his integrity. Yet, of all Jim's qualities, perhaps the most important is the trust that he has earned from Members and colleagues alike. It is because of that trust that when I was chosen to be the Budget Committee's ranking Republican last December, my first and easiest decision was keeping Jim as the chief of staff. He was and still is simply irreplaceable.

Mr. Speaker, let me close simply by saying that there aren't a lot of people in this town who really understand how the Budget Committee works, how this budget process works, let alone people who really know the best ideas and ways of making it work better. Jim Bates is one of the handful of people in this town who knows this. You can count the people on one hand who really know the Budget Act, know how to make it work and know how to make it work better. Jim Bates is one of those.

This institution, this Congress, both from the Democrat side and the Republican side, owe a large debt of gratitude for the service of this fine servant, Jim Bates.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

(Ms. KILPATRICK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

STATEMENT ON JULY 8 AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I rise today to commend my colleagues for passing H. Con. Res. 405, which promotes the United Nations' sponsored efforts to bring about a negotiated reunification of Cyprus. The division of Cyprus has endured for 33 years, far too long by any measure.

Today, I met with Alexis Galanos, the distinguished mayor of Famagusta, Cyprus, which prior to the Turkish invasion was the main town of the second largest district of Cyprus, both in terms of its population and surface area.

A few weeks after the initial invasion on August 14, 1974, Turkish military forces bombarded Famagusta relentlessly. Greek Cypriots were forced to flee their homes in fear and terror, rendering Famagusta a ghost city. Turkish forces then sealed off the area with barbed wire fences; 45,000 inhabitants of Famagusta became refugees in their own country. They lost their land, their properties, their homes and businesses and many of their own people.

The city and the mayor elected by its displaced residents who can't go home have now become a symbol of the injustice that persists in the occupied region. The two waves of the invasion by

the Turkish troops forced nearly 200,000 Greek Cypriots, over one-quarter of the Cypriot population at the time, from their homes, making them refugees in their own country. The equivalent in the U.S. would be around 80 million people. For the last 33 years, 36.2 percent of the island continues to be under occupation by 43,000 Turkish forces.

The July 8, 2006, agreements reached under the auspices of the United Nations Under Secretary General Ibrahim Gambari, by President Tassos Papadopoulos and Turkish-Cypriot leader Mehmet Ali Talat establishes a set of negotiating principles that will lead to a unified Cyprus.

The July 8 agreement supports the Greek and Turkish-Cypriot efforts to find common ground for the peaceful reunification of their country within the framework of a federal bi-zonal and bi-communal nation state. These agreements call for the implementation of specific confidence-building measures, starting with the practical steps of establishing bi-communal working groups and technical communities to examine and discuss issues affecting the day-to-day lives of the people of Cyprus.

Mr. Speaker, there is no viable justification for the continued division of Cyprus. The people of Cyprus have every reason to seek out reconciliation. They aspire to a reunified homeland. In the last 4 years, there have been more than 13 million peaceful crossings across the Green Line by Greek and Turkish-Cypriots, a remarkable achievement for an island whose total population is less than 800,000 people. Turkish-Cypriots cross into the Republic of Cyprus to go to work every day. Approximately 35,000 Turkish-Cypriots have applied for and received passports from the Republic of Cyprus. On the ground, there is clear momentum for peace and a desire on both sides to work together.

Today, Cyprus has evolved into a dynamic country, endowed with a robust economy and incredible democratic institutions. Its qualitative capacities are showcased by its recent entry to the European Union and its imminent membership in the Eurozone. Located off the western shores of the Middle East, Cyprus has the capacity to be a vigorous participant in the wider NATO security architecture.

For us in the United States, therefore, there is great purpose in facilitating peace and unification beyond any moral and altruistic imperatives. As expressed by the House last week, the July 8 agreement lays the groundwork for accomplishing this goal.

I commend the House for its passage of H. Con. Res. 405 and implore our government to continue its support for the full and immediate implementation of the July 8, 2006, agreements.

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.)

LIMITING EARMARKS ON APPROPRIATIONS BILLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, in a couple of weeks, it is likely that we will be addressing the Labor-HHS bill. We have passed the bill in the House. I believe they have passed the bill in the Senate, but conferees have not been named. We will be asked to approve a large bill that I believe is over the President's budget. But, more significantly, this is the first test of actually doing a conference under the new earmark rules.

We had new earmark rules passed at the beginning of the year that provide a little more transparency than we have had before, and that is a good thing; but it hasn't done much to cut down the number or dollar value of earmarks, because we haven't gotten through the process now.

Some people have said in the House we have fewer earmarks, the dollar value is down, and that is a good thing. Certainly it is a good thing. But we are only halfway through the process. Typically, when you get to the conference process, that is where a lot of the mischief happens, where earmarks are added in the middle of the night and you aren't given a chance to vote on them. You simply vote on the bill, either up or down.

Just to give you a flavor of what is in this Labor-HHS bill, the House bill included about 1,342 earmarks. These earmarks were added in the conference report of the bill that came to the House. They were added just days before the bill came to the house. We had very little opportunity to actually look at the earmarks to find out which Member had offered them and to offer amendments to strike those earmarks. A few amendments were offered here on the floor, but that is hardly a process that can pass for due diligence to actually see what is in these earmarks.

Now, I hasten to add that this is not a partisan issue. There are both Republican and Democrat earmarks in this bill. When Republicans were in charge of this body, typically Republicans got about 60 percent of the earmarks, the Democrats got about 40 percent. Now that has switched.

But, really, I wish it were a partisan issue. I wish, as one of my side of the aisle, that Republicans were right on and Democrats were wrong on. But we haven't seen that. We have seen both parties continue to earmark in this fashion.

There are 1,342 earmarks in the House bill. Let me just read through a few to give people a flavor of what is there.

I wish we didn't have to do this. I wish there was another way. But as I mentioned, when these bills come to the floor, the committee report will accompany the bill. It will only come a few days before the bill passes, and we aren't given a real opportunity to vet these earmarks and look at them.

Let me read a few of them. For example, $300,000 goes to the American Air Power Museum in Farmingdale, New York, for exhibits and educational programs. This may be a great museum, but why the Federal taxpayer should be on the hook to fund it, I don't know.

And $200,000 in this bill goes to the American Jazz Museum in Kansas City, Missouri, for exhibits and education programs. It may be a great museum, but why is the Federal taxpayer paying for?

$200,000 for the American West Heritage Center in Wellsville, Utah, for a lifelong learning initiative.

$125,000 for the Children's Museum in Indianapolis, Indiana, for exhibits and equipment.

$200,000 for a Children's Museum in Los Angeles for exhibits and educational programs.

$150,000, College Park Aviation Museum in College Park, Maryland.

If you are recognizing a theme here, the Federal Government is funding a lot of museums. Why is this the case? Why, when we are running massive deficits, when we have a big debt and other obligations that are crying out to pay down the debt, to lower the deficit, why are we funding programs like this? Why are we on the hook for these programs yet again? You have to remember, whenever you are funding a museum, because we have a deficit, we are borrowing money to do that.

$250,000 for the Discovery Center in Idaho. This is in Boise, for a science center.

$350,000 for an aerospace museum in McClellan, California, for exhibits.

$350,000 for the George and Eleanor McGovern Library in Dakota Wesleyan University in Mitchell, South Dakota.

$75,000, Monterey Bay Aquarium in Monterey, California.

Here is another theme. We fund a lot of aquariums. There are great aquariums that educate a lot of people, but why we are doing it at the Federal level, I don't know.

$350,000 for the Museum of Aviation Foundation in Warner Robins, Georgia, for educational programs.

Let's pay attention to the Labor-HHS bill as it comes along.

□ 1830

The SPEAKER pro tempore (Mr. MITCHELL). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

(Ms. JACKSON-LEE of Texas addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

GENDER-IDENTITY INCLUSIVENESS IN ENDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

Mr. WEINER. Mr. Speaker and my colleagues, later on this week or perhaps early next week, this House will embark on the latest chapter in our Nation's history of extending the civil rights that all Americans should be entitled to to one other group. We will be considering the Employment Nondiscrimination Act. It is an effort to make sure that people are not discriminated against in their workplace because of their sexual orientation, because of their gender identity. It is something that is intuitive to so many Americans, and, frankly, the overwhelming number of Americans. And it is an example of how sometimes we in this House lead on civil rights issues and sometimes we follow.

In this case, it is a little bit of each. Under ENDA, we will be following to a large degree. Hundreds of companies, including virtually all of the Fortune 50 and Fortune 500 companies, already recognized fundamentally that it is good business to judge people by the quality of their work, their intellect, their drive, by what they bring to the business, not what their sexual orientation or gender identity is.

Overwhelming numbers of companies, and not just companies that you would describe as being progressive, but companies from all across the political spectrum, financial services groups like American Express and J.P. Morgan and Lehman. You have companies like Clear Channel Communication, Coca-Cola, Nationwide Insurance, Nike, Microsoft. These are all companies that, when they write the contracts for their other workers, it is fundamental to them that there will be no discrimination based on someone's sexual orientation or gender identity.

For these companies and for the 90 percent or so of American people that responded to a Gallup poll in 2007, employment nondiscrimination based on gender identity and based on sexual orientation is obvious; it is not even an innovation.

But we are going to be leading in some important ways. There are still about 30 percent of people who respond to polls who are members of the lesbian, bisexual and transgender community who say that they experience discrimination at the workplace regularly. Some of them, 25 percent, say they experience it on a regular basis. Why should that be? Is that an American value? Is it an American value to say we should discriminate on someone based on the sense of who they love or how they express it? Of course not.

So, for those men and women throughout all 50 States, we will be leading later on this week when we pass the Employment Nondiscrimination Act. But it is very important that we also realize that we are leading on another element to this discussion. There is an active discussion going on in this Chamber and elsewhere whether or not to include gender identity in the same category we include sexual orientation. I say unequivocally the answer is yes. There are people who every day experience discrimination because of their gender identity.

Susan Stanton spent 14 years as the Largo, Florida city manager; 14 years, obviously doing a good job, rehired, reappointed. Susan was once Steve Stanton. When he started hormone therapy and planned to become a woman, was fired.

Diane Schroer, 25 years of distinguished service in the Army as David. Recorded 450 parachute jumps, received the Defense Superior Service Medal, hand picked to lead a classified national security operation. Retired and was offered a job with a private homeland security consulting firm. The offer was rescinded when Schroer explained he was transgender and wanted to begin the job as a woman.

But the question has come up: If we can't include gender identity in this bill, should we do anything at all? Should we take half a loaf.

My colleagues, I think the answer is no. I think we cannot toss this element of an important civil rights coalition to the side. We have to make sure, particularly in the context of us doing what is largely symbolic, there is no sense that the Senate is going to act on this, and certainly no sense that the President of the United States and this administration is going to. Maybe what we should say is we are in this together.

If we are going to make a symbolic stand, the symbolic stand should be let's pass a one House bill with only part of the protections. Let's let the symbolic message be that we are sticking together, that when we say ''GLBT,'' we mean it. And we should do something else. We should also make it very clear to those watching this discussion that we are not going to negotiate against ourselves. We are not going to say if we toss this element or that element off to the side, maybe we will be able to get what we need. There are some things that are immutable, some civil rights that are immutable. This is one of them.

We are going to stick together and pass an inclusive ENDA, or we are going to come back again and do it right.

WITNESS SECURITY AND PROTECTION ACT OF 2007

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I have stood before the House many evenings to discuss the problems associated with witness intimidation and its detrimental impact on our judicial system and our communities.

Tragically, there has been another ruthless occurrence of witness intimidation in my home town of Baltimore City that I must report tonight. A family who spent 10 years living the American Dream found it destroyed in just 10 minutes. They came home last week to find their home smoldering and torn apart. The phrase ''rats must be killed'' and the word ''snitch'' crossed out with Xs spray painted on their walls.

The couple's oldest daughter has been in custody since July for her role in a robbery of a taxicab driver earlier this year. Apparently, her co-conspirators believe she is cooperating with law enforcement on some level. Gang activity also appears to be involved. The word ''blood'' appeared on various parts of the house.

Needless to say, the family will not be returning to their home. This is an innocent, hardworking family trying simply to live in peace. They deserve so much better.

Unfortunately, when people are willing to cooperate with the police in Baltimore City and other jurisdictions throughout our country, sadly, it has become customary for their homes to be firebombed or for them to be threatened, attacked or even killed.

No one can forget the tragedy surrounding the death of Angela and Carnell Dawson and their five children. The entire family was incinerated in October 2002 in the middle of the night when their home was firebombed in retaliation for Ms. Dawson's repeated complaints to police about recurring drug trafficking in her east Baltimore neighborhood.

Just 2 years ago, the home of community activist Edna Abier survived a firebomb attack that was launched just because of her attempts to rid her neighborhood of drug dealers. Just a few weeks ago, I had an opportunity to meet with another couple whose home had been firebombed because they were simply trying to cooperate with police.

Finally, Carl Lackl was murdered outside of his home with chilling calculation just days before he was scheduled to testify as a witness in a murder case. His murderers lured him out of his home under the premise of looking at his used car that he was trying to sell.

Violent crime in the United States is on the rise nationwide, as is drug-related gang activity. However, if witnesses are too afraid to come forward, criminals cannot be prosecuted and our justice system has no credibility and cannot stand.

This is why I introduced H.R. 933, the Witness Security and Protection Act of 2007, which authorizes $270 million over the next 3 years to enable State and local prosecutors who demonstrate a need for the funds to protect witnesses in cases involving gangs or other violence to establish short-term witness protection programs.

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. The time has come for us to show our commitment to our constituents and the justice system because, without witnesses, there can simply be no justice.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. THOMPSON) is recognized for 5 minutes.

(Mr. THOMPSON of Mississippi 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 Texas (Mr. AL GREEN) is recognized for 5 minutes.

(Mr. AL GREEN of Texas 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. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her 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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY 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. BLUMENAUER) is recognized for 5 minutes.

(Mr. BLUMENAUER 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 Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

(Ms. CORRINE BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

□ 1845

FOREIGN INTELLIGENCE SURVEILLANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 60 minutes as the designee of the minority leader.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, there is no other issue more central to the core responsibility of government than the duty to protect the safety and security of the American people. The right not to be killed is foundational to all other rights. The actions we take with respect to the Foreign Intelligence Surveillance Act, better known as FISA, will reflect the level of seriousness with which we have assumed this fundamental obligation.

While I take a backseat to no one when it comes to the protection of civil liberties, it is essential to understand the proper context of the issue by us.

Mr. Speaker, the focus of the debate here relates to overseas intelligence, the implications for the privacy rights of Americans, talked about so loudly on the floor last week by our colleagues on the other side of the aisle, the implications for privacy rights of Americans where surveillance targets of non-U.S. persons overseas is minimal to nonexistent.

This debate over FISA must not be morphed into an ideological crusade by those who have such a visceral dislike for President Bush that any perceived defeat for this administration is in some perverse way chalked up as a victory. The debate is not about President Bush; it is about protecting the lives of those who have sent us here to represent them.

And it is serious business. In my estimation, this is perhaps the most important issue that we will face here in the 110th Congress.

It has been my privilege to serve on both the Homeland Security and Judiciary Committees. It is my belief that we have made progress in protecting the homeland since 9/11. Under the leadership of both parties on the Homeland Security Committee, there have been disagreements about the particulars, but there has always been a bipartisan commitment to moving the ball forward to make our Nation safer.

To be brutally honest, we cannot rely on the prospect of getting it right every time someone might seek to come here to kill innocent Americans. The idea of having to construct a perfect defense in and of itself is not conceivable. However, this is where the role of intelligence comes into primary focus.

Developing a homeland security strategy must not be considered in isolation. Intelligence collection overseas is the crucial element in any strategy to secure the homeland. Otherwise, we fall prey to what I refer to as the Maginot syndrome. You remember the Maginot line. That is where the French learned a terrible lesson concerning the folly of relying on the idea that they could protect themselves with a focus on massive defense perimeter. Much more is required and, again, intelligence collection targeting non-U.S. persons can extend our homeland defense perimeter overseas.

Brian Jenkins of the RAND Corporation, a noted expert on terrorism, has stressed that our intelligence capability is a key element in our effort to protect our homeland. As he says, in the terror attacks since 9/11 we've seen combinations of local conspiracies inspired by, assisted by, and guided by al Qaeda's central leadership. It is essential that while protecting the basic rights of American citizens we find ways to facilitate the collection and exchange of intelligence across national and bureaucratic borders.

So how do we make sense out of what is taking place in this House with respect to our consideration of FISA, the Foreign Intelligence Surveillance Act? Foreign intelligence surveillance, I'd like to underscore.

The manner in which we address this crucial national security question is a clear measure of our level of seriousness about the threat posed to our Nation from another terrorist attack. The bottom line question to be asked is whether or not we are safer as a result of the action taken by this House concerning the collection of overseas intelligence.

As in the game of football, you're either advancing the ball or you are losing yardage. Does our action make America safer or does it impose obstacles in the path of the intelligence community which make their job more difficult? In making this determination, I would suggest that the line of scrimmage should be drawn with the Protect America Act. That is the act we passed in early August, on a bipartisan basis, responding to the request of Admiral McConnell, the Director of National Intelligence.

We should understand that that act represented a compromise reflecting what Admiral McConnell, the Director of National Intelligence, identified as absolutely necessary, absolutely necessary to the task of protecting the

American people. Based upon his service to our Nation, I would suggest we should take his considered opinion with the seriousness that it deserves. As a career naval officer, former head of the National Security Agency under President Clinton for 4 years, and the current Director of National Intelligence, Admiral McConnell has had a distinguished career in his service to our Nation.

Admiral McConnell and General Hayden came to the Congress with a larger package of needed changes to the Foreign Intelligence Surveillance Act last April. However, in order to close what Admiral McConnell described as gaps in our intelligence, that is, an inability for us to be able to actually find the dots that were out there, we had to act immediately. A compromise was, therefore, reached by this body this past August.

He defined the concept of ''gap'' to mean this: foreign intelligence information that we should have been collecting. In fact, Admiral McConnell indicated that prior to the enactment of our Protect America Act in August, we were not collecting somewhere between one-half and two-thirds of the foreign intelligence information which would have been collected were it not for the recent legal interpretations of FISA which required the government to obtain prior FISA warrants for overseas surveillance. In many cases, we couldn't obtain them. You have to have evidence to reach a standard that, frankly, at that stage you cannot reach.

Secondly, the volume of number of targets and the paperwork and, more than the paperwork, the intellectual work, the cost in time by taking analysts off the job of analyzing, to working up these requests for warrants, basically made it impossible for us to be able to go after these targets, which we'd always been able to go after in the context of FISA as it was passed in 1978.

What's the problem? The problem is that a definition of electronic surveillance constructed almost 28 years ago certainly has not kept pace with changes in technology. Ironically, when FISA was enacted, almost all international communications were wireless. Most local calls at that time were on a wire and fell within the definition of electronic surveillance requiring a warrant.

Today, it's just the reverse. Almost all international communications are transmitted by wire. Thus, international communications not intended to be covered by the warrant requirement in the 1978 act are now inadvertently covered because of the change in technology. This was never ever the intention in Congress.

Again, the act we passed in August closed the resulting national security gaps. However, less than 3 months later, here we are in the House of Representatives, the leadership of this House is now trying to reinvent the wheel. It will be one thing were we considering the other elements of a larger package which General Hayden and Admiral McConnell presented to us back in April, but that's not the case.

Rather, the leadership of this body is retreating from the provisions of the Protect America Act, which Admiral McConnell told us he needs in order to do his job. The so-called RESTORE Act undoes core provisions of this compromise that we were told was necessary to close the gaps in our intelligence.

That's why I call the RESTORE Act the Repeal Effective Surveillance Techniques Opposing Real Enemies Act, because that's what it does. It takes away the techniques that we allowed under the law that we passed last August in response to requests from Admiral McConnell based on his considered judgment that he was not able to do the job to protect the American people from the threat abroad.

Admiral McConnell affirmed that prior to the Protect America Act the intelligence community attempted to work under the law as interpreted by the court. Unfortunately, he found that as a result of working under those restrictions his agency was prohibited from successfully targeting foreign conversations, foreign conversations, that otherwise would have been targeted for possible terrorist activity.

Admiral McConnell has made it clear that although there remains elements of the larger package which would further enhance our ability to conduct surveillance against al Qaeda and other terrorist groups, the Protect America Act, that act that we passed in August which is now the law, has provided us with the tools, as he said, to close gaps in our foreign intelligence collection.

Then why are we seeking to make these critical changes in the Protect America Act before the ink is barely dry? Well, one thing is certain: the immediate reviews by the leftist blogosphere were hardly positive. Although Admiral McConnell has worked for both President Clinton and for President Bush, much of the criticism of the act in the wake of its passage seemed to stem from these objections, now, listen to this, that the White House was trying to influence the outcome of the negotiations which took place prior to its enactment. Imagine that.

When Admiral McConnell appeared before our Judiciary Committee, he faced questions along the lines of what did the White House know and when did they know it. Now, think of this: the idea that the White House would seek to have input on issues relating to the national security of the United States is about as startling as the discovery that gambling, yes, gambling, was taking place in Joe's bar during the movie ''Casablanca.''

This should not be the issue. Again, it's not about George Bush, whether you dislike him, love him or are indifferent to him. The only valid question is how best we can protect the American public from al Qaeda and others who seek to kill us.

Surveillance of foreign persons outside the United States is a central part of that effort, and the bill they presented on the floor last week, the so-called RESTORE Act, changed what we had done in August to make it difficult, in some cases impossible, to gain that information. Even if it is Osama bin Laden on the line calling into the United States, under the terms of the bill that was presented on the floor, we couldn't use information gathered from that conversation against Osama bin Laden unless we went to a court for a court order, unless the Attorney General could specifically show that information was leading to the death of a particular individual.

Now, I've said this on the floor before and I will say it again: that's just plain nuts. There's no other way to explain it. There is absolutely no other way to explain it; and perhaps with an ability to explain this kind of thinking on the floor, I would yield to the gentlelady from Tennessee to enlighten us as to her observations as to what is taking place on the floor on this important issue.

Mrs. BLACKBURN. Well, I thank the gentleman for yielding and I thank him for his leadership on the security issues that affect our great Nation.

And, Mr. Speaker, as the gentleman from California knows, national security is one of the major issues that we hear about every single day. Our constituents want to be certain that America, that our interests, that our communities are safe, and certainly, as we are looking at FISA, this is an issue that is coming before us.

One of the things that we hear regularly from constituents is, what are you doing about it? What are you doing about tracking down these terrorists? What are you doing about finding those that want to kill us? What are you doing?

Well, we did some good things last year. As the gentleman from California mentioned, the provisions that we passed, Admiral McConnell's recommendations, the pathway forward for us, how we were to proceed to be certain that we could use the information that we had. And now the RESTORE Act, and I do like the acronym that he is using, Repeal Effective Surveillance Techniques Opposing Real Enemies. That is an appropriate acronym for the bill that they brought forward.

And I think, Mr. Speaker, that our colleagues across the aisle forget that it is FISA. Maybe they think it is the U.S. Intelligence Surveillance Act, or USISA. They forget that it is FISA, Foreign Intelligence Surveillance Act.

We do seek to find those who would seek to do us harm and end our way of life. That is something we should be about every single day.

Now, we've heard from lots of people on the FISA issue, and the gentleman

from California brings such a wide range of knowledge on this, and I know he is going to be joined by others, others of our colleagues who are going to touch on this issue. Many of them are from the Republican Study Committee, and they're going to bring their expertise to bear on this.

I want to touch on one quick point. The gentleman from California highlighted some of Admiral McConnell's recommendations and procedures that we took to be certain that we closed the terrorist loophole. And the measure that the liberal leadership brought forward, the RESTORE Act, would reopen the terrorist loophole. The Democrat FISA bill creates a process by which a court order is required for U.S. persons who are outside the United States.

As the gentleman from California mentioned, if a foreign target operating overseas, such as Osama bin Laden, has either had contact with a U.S. person or called a U.S. number, our intelligence officials would be required, if this bill passed, to obtain a FISA court order to listen to those communications.

Well, in Tennessee, we would say that just doesn't make good sense, and it doesn't, Mr. Speaker; and it is frightening to think that there are those among us who may want to deal with terrorists more delicately than they would handle the welfare and well-being of our communities.

I would also highlight the New York Post and a comment that they had as we were working through the FISA overhaul and looking at these situations dealing with these cumbersome legal requirements. The New York Post quotes in an October 15, 2007, article: ''A search to rescue the men was quickly launched. But it soon ground to a halt as lawyers obeying U.S. strict laws about surveillance cobbled together the legal grounds for wiretapping the suspected kidnappers. For an excruciating 9 hours and 38 minutes searchers in Iraq waited as U.S. lawyers discussed legal issues and hammered out the 'probable cause' necessary for the Attorney General to grant such 'emergency' permission.''

We know the emergency. We know the probable cause. Men were under attack and they needed to be found. We are in a time of war. The terrorists are there to end our way of life. We have to stay a couple of steps in front of them, Mr. Speaker; and as the gentleman from California has so eloquently said, the way we do this is with a common-sense approach and very thoughtful approach to our intelligence surveillance that we have on our foreign enemies.

□ 1900

Mr. DANIEL E. LUNGREN of California. I thank the gentlelady for her comments. She mentioned a particular instance in which we brought lawyers into a situation that if you looked at it from the outside doesn't make much sense; you stop battlefield operations in order for lawyers to determine whether or not we can listen in on conversation between non-U.S. persons outside the United States.

When you look at the other side of the aisle's response to this problem, you see what they have done is they have elevated the judiciary to the primary role in these decisions. That is, in my judgment, a complete misunderstanding of the proper role of the courts.

Look, since Marbury v. Madison, the eminent case basically saying that the Supreme Court gets the last say on constitutional issues, there has been a misunderstanding by some that that means that the Supreme Court, the judicial branch, is somehow superior to the other two branches of government.

That is not the case in the area of war-making capacity or carrying out a war. If you look at the Constitution, you will see very, very clearly that the Constitution specifies specific powers in article I to Congress and in the executive branch in article II, and the United States Supreme Court has already told us that there are some matters, believe it or not they have said, better suited for disposition by the elected branches of government.

The War Powers Act, or, excuse me, the war power, the right to declare war, given to the Congress; powers of the purse, given to the Congress. The President possesses authority relating to his constitutional status as Commander-in-Chief as well as all executive authority.

So these are very, very distinct. What we have seen on the other side of the aisle is an elevation to the altar of judicial determination in these cases. This is not just the only thing. The leaders on the other side want to take now and give habeas corpus rights to those people we have at Guantanamo, those people we have taken off the battlefield.

Mr. AKIN. One of the problems of being as competent and technical as you are is there are some of us, people like me from Missouri, as an engineer, like to try to put things in plain simple terms.

The first thing I would like to ask, because you are the expert, but I have a little bit of a sense of what's going on here, and first of all the problem is that we are trying to collect intelligence on terrorists that are trying to kill our citizens. Is that what we are dealing with?

Mr. DANIEL E. LUNGREN of California. That's a very basic thing we are dealing with, foreign intelligence.

Mr. AKIN. I want to keep it simple. So we are dealing with collecting intelligence on these terrorists.

Mr. DANIEL E. LUNGREN of California. Right.

Mr. AKIN. We have a format that was put into law years ago, as I understand it, that when a signal is transmitted into the air that we can tap into that and listen for terrorist talk; is that correct?

Mr. DANIEL E. LUNGREN of California. Yes, absolutely.

Mr. AKIN. But now in the last number of years, the way that transmissions are made is different. We are going now through these fiber-optic cables and through these tremendous switching networks; is that correct?

Mr. DANIEL E. LUNGREN of California. Correct.

Mr. AKIN. Now, does the current law allow us to do the same thing on those as we do on a transmitted signal?

Mr. DANIEL E. LUNGREN of California. The law, prior to our change in August, did not permit us to, at least as determined by the FISA Court last year.

Mr. AKIN. Now we are getting to the problem. The problem is that the government is getting in the way and the Democrats are getting in the way of us collecting intelligence to protect our constituents.

Now, the lady from Tennessee, you talked about some common sense, and the common sense of the matter is some of us remember September 11, and these people are not nice people; right?

Mrs. BLACKBURN. The gentleman from Missouri is exactly right.

These are people who do not seek to do us well. They seek to do us harm. That, we have to keep in mind.

As the gentleman from Missouri mentioned, we have had tremendous technological changes with how our signals are transmitted when you are dealing with telephones, with cell phones, with satellite phones, with voice, video and data, with those communications.

Things have changed, and we are not focused on the end use; we are more focused on the technology and the changes that we sought in August would allow, and that we gained in August allowed our intelligence community to be able to exercise a little bit more leeway in obtaining these communications from those who would seek to do us harm.

Mr. DANIEL E. LUNGREN of California. If I could just respond to that, let's remember, we are not talking about domestic terrorists. We are not talking about domestic criminals. We are not talking about American citizens. We are talking about non-Americans not in the United States. That's what we are talking about, and the American people need to understand that.

Mrs. BLACKBURN. I want to bring the attention back to the poster that is on the floor there. Just as he would say, this is the Foreign Intelligence Surveillance Act.

As I said earlier, it is not USISA. It is not the United States Intelligence Surveillance Act. This is the Foreign Intelligence Surveillance Act.

That is so important that we keep this in mind. As the gentleman said, these are people who are not U.S. citizens who are seeking to do us harm.

Mr. DANIEL E. LUNGREN of California. Let me also explain one bill. If

you look at the bill that the Democratic majority brought to the floor, they say, we take care of this problem. They say, if it's foreign to foreign, you don't need a warrant.

Here is the problem that Admiral McConnell explained to us. When you put a tap, or you somehow capture the communications, you only know the front end of the communications; that is, Osama bin Laden is calling somewhere and communicating in some way. You don't know where in the world he is going to end up on the other side of the communication. If, in fact, you have to say ahead of time, we can guarantee that none of those conversations will ever reach into the United States or to an American anywhere, you couldn't get a prior warrant, because you can't guarantee that.

What you need to do is to do it the way Admiral McConnell suggested and the way we put it in the law before. If it's a target that is a foreigner in a foreign country, for foreign intelligence purposes, as defined under the law, if that's the case, you don't need a warrant.

If, as you collect the communications in some way, you find that inadvertently a communication went into the United States or is with an American citizen, you do what we call, under the law, minimization, which means, if it has nothing to do with that individual on the other end that implicates that individual in any way, you don't use it. But you do use it against Osama bin Laden.

What they put in the bill was, very specifically, if we inadvertently capture a communication that involves an American on the other side, guess what we have to do? We cannot use it. We cannot disclose it. We cannot use it for any purpose, and we cannot keep it for more than 7 hours unless we go to a court and get another court order for a warrant.

Mr. AKIN. But if the gentleman would yield, what I understand the Democrat solution is saying, that you can't do that. That as soon as Osama bin Laden lights up his computer, we don't know where he is calling to, and, therefore, we have got to get some judge to give us permission to tap into.

Mr. DANIEL E. LUNGREN of California. Let's understand what we are talking about. I presume Osama bin Laden is sharp enough to realize that maybe he ought to have more than one phone line. You know what we have with bad guys in the United States, they use cell phone after cell phone after cell phone. They use it for maybe a day. They throw it away. They use another one.

Don't you think the bad guys trying to kill us are as smart as that? We have to be able to be sharp enough to find this stuff and turn on this information in a timely fashion to save us. We have to have the agility to do that. What has happened with the law we passed in August, according to the NSA, and I was out there yesterday, and according to Admiral McConnell, we are now able to do those things.

We now have the agility to do those things. If we were to adopt the bill that was on the floor last week, we couldn't do it. The American people have to understand, no matter what they say about it, the expert on it tells it, we would not be able to do it.

Mr. AKIN. So my understanding, with the bottom line, with the bill that has been proposed, we would lose about 60 percent or more of our intelligence leads that we are collecting through electronic surveillance needs; is that correct?

Mr. DANIEL E. LUNGREN of California. That is the absolute testimony of the experts who actually do it.

Mr. AKIN. Sixty percent of our intelligence-gathering capability is going to be hobbled?

Mr. DANIEL E. LUNGREN of California. Against terrorist targets internationally, absolutely. In the process, we will grant more protection under the law to Osama bin Laden than we do to an American citizen accused of a crime in the United States. That is the utter insult in the whole process.

Mr. AKIN. Yet in the State of Missouri we don't call that common sense.

Mr. DANIEL E. LUNGREN of California. I don't think anybody could call that common sense. Only on the floor of the House of Representatives would one dare to call that common sense. I am not one person who dares, nor are my two colleagues here.

Mrs. WILSON of New Mexico. I want to make sure I understand something here, because I think you said something that's important. If the United States Government inadvertently collects a phone call that involves an American, if Osama bin Laden himself calls into the United States on a new phone line, and we had no idea, we didn't expect him to call in to America, and he has got a new phone number, he has got one of those disposable phones, he calls in and we get lucky and we pick it up, and that phone call says to one of his cells in the United States, ''Tomorrow is the day. Blow up the Sears Tower in Chicago,'' is it my understanding that under this bill they have put forward the intelligence agents couldn't even tell law enforcement about that? They would be prohibited from that?

Mr. DANIEL E. LUNGREN of California. Unless that cell had already been identified by us, we knew who they were, we had already gotten legal permission to do that, we wouldn't be able to do that.

Mrs. WILSON of New Mexico. So we get the intelligence tip of a lifetime to be able to prevent the next terrorist attack, and this bill, the RESTORE Act, would prevent us from protecting American citizens?

Mr. DANIEL E. LUNGREN of California. Absolutely. Let me tell you what happens in a criminal case. Let's say we have a legitimate wiretap on a member of the Mafia, and that person makes calls. We don't know who he is going to call. He calls his mother. He calls his barber. He calls the guy who delivers pizza.

Because he talks to that other person who was not the target, the legal target, doesn't mean that we cannot use that information against the legal target. We can't use it against that person if that person is someone we then find is a person of interest, and we would become a target. Then we have to go get a warrant against that person. That's all that we are saying we ought to do with the law and, in fact, that is what you would do with the law that you passed.

As a result, we have really put handcuffs in our ability to deal with terrorism far much more than people would argue that we would do in terms of law enforcement.

Mrs. WILSON of New Mexico. I thank the gentleman for clarifying that, because I think it's an important provision, and I think it is being added into what is being called the RESTORE Act very late in the game before it was pulled from the House floor last week. It is a provision that is deadly dangerous to the security of this country.

The Foreign Intelligence Surveillance Act was set up to protect the civil liberties of Americans, and it has done that effectively. But because of changes in technology over the last decade in particular, there are more and more conversations that are foreign conversations, international conversations that happen to transit the United States. Under the old law, before we fixed this in early August, you needed a warrant to touch a wire inside the United States even if the person you are targeting is overseas.

Earlier this year, because of some court decisions, this became completely unmanageable, and the Foreign Intelligence Surveillance Court became almost completely nonfunctional, with backlogs, with requests for warrants, people who couldn't develop probable cause, because, you think about this, you have got some guy on the Horn of Africa that you suspect of being affiliated with al Qaeda. It's not as if the FBI can go and talk to their neighbors and develop probable cause for a warrant in order to touch a wire in the United States, and yet our intelligence capability is much enhanced if we can touch that wire in the United States.

□ 1915

So you have an odd situation where we're having intelligence agents take tremendous risks to try to collect intelligence overseas, while we're tying our own hands here in the United States. The law that we passed in early August addresses this problem.

The act that was pulled from the floor, so-called RESTORE Act, last week would only have restored the ability of terrorists to plot to kill Americans. It would be suicide for the

United States to intentionally, intentionally cut off our ability to try to listen to the communications of the terrorists who are trying to kill Americans or anybody else.

I would be happy to yield to my colleague from New York.

Mr. DANIEL E. LUNGREN of California. Let me just reclaim my time for a moment. And remembering last week when we had this bill on the floor and we went before the Rules Committee to ask for an opportunity for amendment and debate on our important issues and we were denied that by a gag rule, I would like to yield to the gentleman for purposes of a short debate, because I think this is what we should engage in and why I was so disappointed last week on the rule.

Mr. NADLER. I appreciate the gentleman yielding to me. And I wasn't planning to debate this; I just happened to be walking through the Chamber and I heard what you were saying. People are entitled to their opinions, but they're not entitled to misquote what the bill does, which is what I've been hearing.

First of all, it is quite correct, as the gentlelady from New Mexico said, that the FISA law needed to be updated.

Mr. DANIEL E. LUNGREN of California. Well, if I could take back my time, if the gentleman would specifically say where we misstated, I would love to respond to that. But the gentleman can get his own time to talk about other things.

Mr. NADLER. I will say two things. Number one, the RESTORE Act, the bill that was pulled from the floor, number one takes care of that technological problem, just as the bill that was passed in August does, by updating and making clear that foreign-to-foreign communications that come through a server in the United States do not need a warrant. So that's not an issue because this bill does it.

Second of all, let me just make the two points. And second of all, I think I heard you say, both of you, somebody here, that if you were tapping some terrorist abroad and he called into the United States and you heard him talk about terrorism with somebody in the United States, that you could not tap that, you could not use that information. That's simply not true.

Mr. DANIEL E. LUNGREN of California. I will reclaim my time. The fact of the matter is that is true. I hope to get the language here in a moment. In the manager's amendment, in the second major paragraph of the amendment, it specifically refers to inadvertent capture of a conversation involving an American on one end. And in those cases it specifically said, if that is the case, you may not use it for any purpose, you may not disclose it, and you may not keep it for more than 7 days, unless you get a specific warrant with respect to that, or the Attorney General makes a specific finding that the information itself relates to the death of an American.

Now, the fact of the matter is that was picked up from language that's currently in FISA that has nothing to do with this, that has to do with inadvertent communications gained in another context. So I don't know whether it was inadvertent, it was bad draftsmanship, or it was intentional. But the fact of the matter is, on its face, that is exactly what it does, and that's why I can stand here and say, without fear of contradiction, that it gives greater protection to Osama bin Laden in that instance than we give to an American charged with a crime in the United States.

Again, I don't know what the purpose was in drafting it that way. That's one of the problems when you bring a bill to the floor and you have a closed rule that doesn't even allow us to question the language, to attempt to deal with it. And the gentleman can say it doesn't say that. I would suggest the gentleman go back and look at the specific language, because I was astounded when I first read it. I first looked at it and said, this can't possibly be the way. I presented it to the Rules Committee. Not a single person on the Rules Committee or a member of your side of the aisle on the Judiciary Committee or the Intelligence Committee contradicted what I had to say. No one pointed to where that was wrong. That happens to be in the bill. Now, if you want to change it, we ought to change it. But the fact of the matter is that's where it is.

Mrs. WILSON of New Mexico. If the gentleman would yield, the issue of foreign-to-foreign communications is in the bill. But here's the problem. We can put in law that you don't need a warrant to listen to foreign-to-foreign communications, but you're never targeting a communication between two points. You're always looking at one target. And if I am targeting you in Afghanistan, I don't know who you're going to pick up the phone and call next. If it is a felony to listen to a conversation between a foreigner and a U.S. person without a warrant, as soon as that foreigner picks up the phone and dials an American number, you've created a situation where an intelligence agent is a felon. As a result, if you have that provision in the bill, they must get warrants on every foreigner. And that is the situation we were in earlier this year that completely crippled our intelligence collection.

Mr. DANIEL E. LUNGREN of California. Let me just reclaim my time to specifically quote Admiral McConnell on this point. He said in testimony before the Judiciary Committee: ''When you are conducting surveillance in the context of electronic surveillance, you can only target one end of the conversation. So you have no control over who that number might call or who they might receive a call from.'' He then said specifically: ''I'm talking about foreign-to-foreign and whether that takes care of the problem.''

These are his words. If you have to pre-determine that it's foreign-to-foreign before you do it, it is impossible. That's the point. You can only target one. If you're going to target, you have to program some equipment to say, I'm going to look at number 1, 2, 3, so targeting, in this sense, if you are targeting a phone number that is foreign. So that's the target. The point is that you have no control over who that target might call or who might call that target.

Mr. NADLER. Will the gentleman yield at this point?

Mr. DANIEL E. LUNGREN of California. I'll be happy to yield in one second. I found that I did have the specific language to which I referred a moment ago. This is the proposed language in the bill: ''If electronic surveillance concerning foreign-to-foreign communications 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.'' If that's all it said, that would be fine. But then it says: ''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 is obtained or unless the Attorney General determines that the information indicates a threat of death or serious bodily injury.''

Reading that, as it is written, if Osama bin Laden, in a conversation, communication or whatever to someone who happens to be a U.S. person or is in the United States that is not then a target, under the regime that we have, doesn't implicate that individual whatsoever, but in the course of the conversation, reveals where he is, where he's going to be, we cannot act on that information under this specific language unless the Attorney General determines the information indicates a threat of death or serious bodily injury. Telling where he is doesn't indicate a threat of death to anybody or serious bodily injury to anybody.

That's the language that your side has presented on the floor as a fait accompli. We could not amend it. We couldn't even discuss amending it on the floor because we had a gag rule.

And the gentleman is a distinguished attorney. He knows how to use words very, very well. You can't change the words that are on the printed page.

Let me yield to my friend from Missouri before I yield to the gentleman from New York.

Mr. AKIN. Now, there was one procedure that the Republicans were allowed to do, and that's called the recommit; is that correct? We couldn't make any amendments. We couldn't discuss it.

Mr. DANIEL E. LUNGREN of California. Motion to recommit, yes.

Mr. AKIN. And so on the motion to recommit, we did the best thing we

could to try to fix this problem, which was going to basically muzzle 60 percent of our intelligence-gathering capability. And that, I guess, you could look at it as an amendment on the motion to recommit. It was merely a sentence or two. And that sentence said something to the effect that nothing in this bill will prevent us from trying to capture bin Laden or prevent us from gathering information on al Qaeda, and they're attacking this country, something to that effect.

Mr. DANIEL E. LUNGREN of California. Al Qaeda, Osama bin Laden or other terrorist groups and prevent attacks on the United States or Americans. That was the language. And I might say to the gentleman, it was never offered, we never got to that point. But rather than have a gag rule or follow the leadership we got from the Democratic side, of a gag rule, we also showed it to the other side way ahead of time. And the reaction was what? To pull the bill, or at least to stop in mid-debate on the bill, and we will bring it back.

Mr. AKIN. It was in such a hurry that we didn't have time for any amendments.

Mr. DANIEL E. LUNGREN of California. Well, let me yield to the gentleman from New York. Perhaps the gentleman from New York can tell us when the bill is coming back to the floor.

Mr. NADLER. I can't because I don't know that. I don't know that. Presumably sometime in the next 2 weeks. But would you yield now?

Mr. DANIEL E. LUNGREN of California. I'd be happy to yield to the gentleman.

Mr. NADLER. Thank you. Two points. One, what was just said about that motion to recommit, the contents of the motion to recommit, that nothing shall be construed as barring, tapping or wiretapping, whatever the language was, bin Laden, Osama bin Laden, al Qaeda, et cetera, was completely unobjectionable. Indeed, it was totally superfluous. Had that motion said the motion is to recommit the bill to committee to amend it to include these words, and to report the bill back forthwith so we could have continued the debate, we would have accepted that amendment. We would have said fine. It doesn't change anything. Fine.

But, as you know, the amendment said report back promptly, which would have entailed at least a 2-week delay. That's why the bill was pulled, not because of the subject matter, but because of the word ''promptly.''

Mr. DANIEL E. LUNGREN of California. If I might take my time on that point. Promptly means it goes back to committee. It doesn't say it can't come back for 2 weeks. It goes back to committee.

Now, we have some rules here that require a few days. We also have something called waiver of rules that has happened virtually on every rule that we've had here, presenting a bill to the floor. And let me ask the gentleman, if, in fact, your concern was it would be a delay of a week or two, what are we doing now?

I would yield to the gentleman.

Mr. NADLER. I will answer to the best of my knowledge. I don't know what we're doing now. I'm not part of the leadership. And as I said, I just happened to be walking here. I don't know why the bill isn't back here now. But I know it will be in the next week or so.

Mr. DANIEL E. LUNGREN of California. So it's the gentleman's statement that you're willing to accept the motion to recommit, and your side is the leadership.

Mr. NADLER. Yes. The language was unobjectionable.

Mr. DANIEL E. LUNGREN of California. Well, that's good to hear. Then we will expect to see that language in the bill when it returns.

Mr. NADLER. Had it said forthwith, it would have been, and I shouldn't speak for the leadership but that's what they were saying at the time, we would have accepted it. But because it said promptly, which the Parliamentarians have told us would entail a considerable delay.

Mr. DANIEL E. LUNGREN of California. I'm sure glad we're not delaying now. But go ahead.

Mr. NADLER. Well, we found out, by the way we thought the Senate was going to pass the bill the next day. It turns out they haven't got their act together, so we have a little more time.

Mr. DANIEL E. LUNGREN of California. The Senate was going to pass a bill. Not that bill.

Mr. NADLER. Yes, it was going to pass a different bill. We wanted to pass a bill before they did, so that's why we were in a hurry.

But getting back to the point we said a few minutes ago, I don't have the benefit of the language. I know you have it there from the manager's amendment which I haven't seen, or the context. But I do know the following: The whole point, Admiral McConnell is quite correct when he says, obviously, if you're tapping whoever in a foreign country, you don't know who he's going to call. You're tapping that one point. You're tapping Mohammed in Karachi because you know that he, you suspect he's a terrorist that's involved. If he calls someone else abroad no one thinks you need a warrant or anything else. Under the bill, if he calls someone in the United States, either you hear it, you can't help hearing it. Either that conversation is innocent or it's involved with something that makes you suspicious of terrorism. If it's innocent, you have to engage in minimization procedures so you don't unduly and inadvertently violate the privacy of some American for an innocent conversation. If it's not innocent, then you, with that information, you can continue listening and if necessary you can get a warrant. And that's the general design of the amendment.

Mr. DANIEL E. LUNGREN of California. I'll take back my time. That's precisely the problem. You have to get a warrant before you can take action. And if, in that conversation, something that Osama bin Laden said does not implicate the American whatsoever, does not indicate a threat of death or serious bodily injury to anybody else, but reveals where he is, you are prohibited from dealing with that.

The gentleman from New York, I appreciate it. But you know, the great political philosopher, Don Meredith, once said: ''If if and buts were candy and nuts, everyday would be Christmas.'' Now you may wish it. You may hope it. You may think it. These are the words that your side presented to us as a fait accompli. That's what it says. You can't get around it. And the gentleman, as a distinguished attorney, knows that when you go into court you've got to look at the words. We're not going to put people at risk in the CIA, in the FBI and the NSA, in all of those other agencies in the Department of Justice based on the fact that we ought to read these, as I think the gentleman said once before in debate, in a commonsense way.

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There is no commonsense exception to this provision in the law.

I would be happy to yield to the gentlewoman from New Mexico.

Mrs. WILSON of New Mexico. One of the things my colleague from New York said was, well, there are these minimization procedures, and that's true. There are minimization procedures under current law, which means that if you gather information that involves innocent people, you mask their identity, you don't disseminate things that don't matter, and you protect people's privacy. If it only went that far, that would be fine. The problem is the rest of the paragraph that my colleague from California mentioned, which actually prohibits dissemination of information that could be critical to this country.

It is astounding to me that we might actually intercept a conversation involving Osama bin Laden himself that reveals where he is going to be tomorrow and we would prohibit our intelligence agencies from telling the military where he is so they could target him.

Mr. DANIEL E. LUNGREN of California. Reclaiming my time, not only could we not disseminate, but this is the language: ''or used for any purpose.'' That's pretty broad, I would say.

Mrs. WILSON of New Mexico. Absolute prohibition.

And I think we need to get back to some basics here, which is, number one, the current law requires that you need a warrant to wiretap a U.S. person for the purposes of collection of foreign intelligence. That's what the whole Foreign Intelligence Surveillance Act was about. But it also makes clear under the law that we passed in the

first week of August that you do not need a warrant to listen to foreigners reasonably believed to be in a foreign country.

America spies. We try to discover the secrets of people who are not our friends, some of whom are trying to kill large numbers of Americans. We do everything we can to find out what their plans and capabilities and intentions are so we can prevent another terrorist attack. That is what our intelligence community does. And to somehow tie this up in red tape with a bunch of lawyers and judges makes no sense to me at all when we are trying to find out the secrets they are desperately trying to protect from us.

I have to say, there is a question, how many lawyers should it take to be allowed to listen to Osama bin Laden? The answer should be zero. That's what the answer should be. We shouldn't involve lawyers and judges in trying to intercept his communications, even if he is talking to an American.

Mr. AKIN. Will the gentleman yield?

Mr. DANIEL E. LUNGREN. I would be happy to yield after I make this one statement in reference to what the gentlewoman just said.

Judge Richard Posner of the Seventh Circuit Court of Appeals put it this way: ''The aim of national security intelligence is to thwart attacks by enemy nations or terrorist groups rather than to punish the perpetrators after an attack has occurred. The threat of punishment is not a reliable deterrent to such attacks, especially when the attackers are fanatics who place a low value on their own lives and when the potential destructiveness of attacks is so great that even a single failure of deterrence can have catastrophic consequences. That is why,'' the judge says, ''when the government is fighting terrorism rather than ordinary crime, the emphasis shifts from punishment to prevention.''

The judge has put it fairly well in almost understandable terms, as the gentleman from Missouri would say.

And I yield to the gentleman from Missouri, who would not like to be described as an attorney.

Mr. AKIN. Well, I appreciate the good work that attorneys do, Mr. Speaker, and I particularly like different attorney jokes. And this one particular joke is the only one I have heard that isn't funny, and that is, how many attorneys does it take to collect intelligence on our enemies? And the answer, exactly as the lady said, should be zero. There should be no doubt about this.

Now, you have talked about somewhat subtle or finer points of law, but the bottom line is there is an agency that is charged with following the law and protecting our citizens. Now, the opinion of that agency on this point is what is critical, isn't it? Because if they believe they can't do the collection, then there is going to be 60 percent or more of intelligence gathering that is going to be hobbled. They are not going to have that capability. And their belief is that what you are saying is true because you quoted them; is that right?

Mr. DANIEL E. LUNGREN of California. That is true. And I would say it is similar to going to the doctor and the doctor's telling you that you need an operation to repair a faulty valve in your heart, and before you make the decision, you have to go to a judge to get permission to follow the doctor's order. I don't think that's what I would want to do.

Mrs. WILSON of New Mexico. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I would be happy to yield.

Mrs. WILSON of New Mexico. I know we are coming to the end of this hour, but I think there is something important for Americans to understand.

We all remember where we were the morning of 9/11. We remember what we were wearing, what we had for breakfast, whom we were with, and that is seared into our memories.

Very few Americans remember where they were when the British Government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow and blowing them up simultaneously over the Atlantic. We don't remember it because it didn't happen. And it didn't happen because American, British, and Pakistani intelligence were working together to disrupt the plot and prevent the terrorist attack.

That is what matters here. We want to stop those memories from being created before the event happens.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would just like to say, because we keep hearing that we are not concerned about civil liberties and so forth and that courts ought to look at this rather than making decisions by the President of United States, many people fondly remember Justice ''Whizzer'' White on the United States Supreme Court, an appointee of President John F. Kennedy. And in the seminal case in the Supreme Court dealing with the question of privacy and wiretapping called Katz versus U.S., he said this: ''We should not require the warrant procedure and a magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable.'' Because the fourth amendment talks about protection against unreasonable searches and seizures and we never hear on this floor that qualification. It is reasonable.

So how do we protect American citizens in this? The process of minimization that we talked about that is followed by everybody in the NSA. And I would just show this to the gentleman. This chart shows the procedures already put into place at the NSA, National Security Agency, to implement the Protect America Act and ensure that Americans' civil liberties are protected by minimization.

Look at this: Internal oversight, they have training built on the foundation of compliance training. They have an annual requirement to read the legal compliance and minimization documents. They have advanced training and a competency test. Everybody out there has to take the test and pass or they can't be involved in the program. They have new training in the authority and the competency test. They understand the legislative changes, the documentation and the termination. They have spot checks and audits to assess compliance. They have somebody else come out within their organization and check up on individuals. And then they have an assessment of management controls.

In other words, they have multiple reviews on a regular basis of what's going on there. And in addition, what they have done is they are subjected to oversight by the Office of the Director of National Intelligence and the Department of Justice every 14 days, every 30 days, and every 60 days. And then on top of that, they have the Congress that can look at things.

That, the American people should understand, is the seriousness with which the agency is undertaking their responsibility to protect Americans from terrorists overseas and to make sure there is no inadvertent violation of the civil liberties of Americans.

Mr. AKIN. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. Yes, I would be happy to yield.

Mr. AKIN. I believe that what you have described is pretty much what we worked out last summer. Just going back to last summer when this problem reared its ugly head, we were approaching September 11. The Democrats had been unwilling to deal with it. We had been going back and forth and back and forth. And as I recall, we basically told the other party we are not leaving for summer break until you get this thing fixed because our Nation is exposed. We are not collecting the information that we need and we have to deal with that. So at the last minute, we passed a 6-month, if you will, patch that takes us to February; is that correct?

Mr. DANIEL E. LUNGREN of California. That is correct.

Mr. AKIN. So until February we are able to do this collection at this point, but we have to deal with this problem.

Now, the gentlewoman from New Mexico made reference to September 11, and I think each of us have our own memories. But mine was being at the site in New York City and seeing that wall along the side of a city block, four-by-eight sheets of plywood. Covering over the wall was a piece of that kind of slick, greasy plastic that's waterproof, and it had little dots of mist because it was a misty day. And underneath it were pictures. Some black and white, some in color, a picture of a guy with his dog, a husband and wife. And as I looked at those pictures, it reminded me of the many times in the

morning where eyes had met gently saying good-bye for the day, a gentle brush of the hair that would be no more, that ended in violent, fiery tragedy and death. And for us to hobble our Intelligence Committee and knock out 60 percent of their intelligence gathering is un-American, it is something that we will not tolerate in this Chamber, and until we get it right, I will never be quiet on this subject. And I know the gentleman feels as strongly as I do.

Mr. DANIEL E. LUNGREN of California. I appreciate the gentleman's sentiments. And I would just say I don't think there is anybody in this Chamber that depreciates the experiences of 9/11 nor the threat that currently faces this country. That does not excuse anybody in this Chamber or us collectively for making either ill-informed decisions or just wrongheaded decisions. And when we have the expert experience and judgment of people like Admiral McConnell, who told us of the threat that we are currently facing and his inability to do the job that he has sworn an oath to do, and when we responded in a way which he said works, it is totally beyond belief that we would want to change that now.

And the other thing is, is there anybody in this Chamber that believes the threat is only until February or is only for 2 years, as was in the bill that was presented to us? This is a long-term threat which necessitates a long-term commitment on the part of the American people, on the part of the Congress, on the part of the entire Federal Government. And we have an obligation to make sure that that takes place. Otherwise, the American people have every right to say to us you have not done the job.

So I would hope that when we have this bill on the floor we have an opportunity to make it permanent so that we can tell our adversaries we will throw everything at you, not to convict you after a perpetration of an attack on us but to prevent it in the first place. The American people don't want prosecution. They want prevention first and foremost.

Mr. AKIN. If I could just interrupt for a minute, I don't think any of us want to impugn anybody's motives. Our objective here is and the reason we were sent here by our constituents is to solve problems, which you have outlined is a reasonable balance between the privacy rights of Americans and the necessity of the government to do what it is number one tasked to do, which is to protect our citizens. But when we get that balance wrong and the director of the people that have to collect that intelligence say that we have got to have judges, you are going to knock out more than half of our intelligence-gathering capability, then it says we need to get back to the drawing board and get this thing done the right way.

I certainly appreciate your attention to the details to looking at the language. And I certainly hope that our Democrat colleagues will allow enough debate and discussion to solve the problem.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I thank the gentleman for his words.

And let me just finish on these words. Justice Robert Jackson of the U.S. Supreme Court once said, ''The Constitution is not a suicide pact.''

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DROUGHT CONDITIONS IN THE SOUTHEAST

The SPEAKER pro tempore (Mr. MITCHELL). Under the Speaker's announced policy of January 18, 2007, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 60 minutes as the designee of the majority leader.

Mr. ETHERIDGE. Mr. Speaker, I rise tonight to begin this hour to put a great spotlight on what is occurring in the southeastern region of the United States.

You know, when you look at the statistics and you look at the effects, there is only one word that can describe the drought that has gripped the southeastern United States, and that is ''tragic.''

If you look at this map to my right, you see that the Southeast is this large red area. And you also have some of the same effects in some parts of the west coast, and we've seen the effects of what's happening there with the terrible fires that are now taking place out in California.

Mr. Speaker, this is a disaster, not like a tornado or a hurricane or even any major catastrophic event. When you have a big storm or you have an earthquake, it's over, you come in and put things back together, you're able to start sorting people's lives out. But a drought of the magnitude of the one that is now gripping the Southeast is sort of a continual process. It started well over a year ago. We had a dry winter, we had a dry fall, last year a dry winter, this past year, and now this year. And I will talk about it more as the evening goes on.

We have places in my home State and in other places of the Southeast where we are 20 inches of rain below normal. And I will talk about that and will have more to say about it as the evening goes on. But this impact adds up over time. It impacts every person in the Southeast. It impacts animals, it impacts vegetation, and it certainly has an impact on the land.

This drought, frankly, is the worst one that people who are now living can remember. And in some places in my State, people who are approaching 100 years of age say they have never seen anything this bad. We know that this entire region has had, in some places, 10 inches less rain, others plus-20. And I was on the phone just today with one of our small towns working with the Governor's office. They will be out of water in 60 days. We are struggling to get water lines to them just to help them out.

But tonight I'm going to talk about a broader issue of it is impacting the people who live on the land, who provide our food and fiber in this country. This area has been the hardest hit. And it's a broad area, as you can see here. It's in the State of Arkansas, Mississippi, Alabama, Georgia, North Carolina, South Carolina, Tennessee, Virginia, and even parts of Maryland.

In North Carolina, Governor Easley has issued a state-wide ban on burning, and he has asked citizens to halt all nonessential water use. Just this week he took another step, and he asked our citizens to reduce their water use by 50 percent by Halloween. And this drought has affected our farmers to an extent so great that it is now affecting rural communities across North Carolina. And I'm sure, as my colleagues come this evening, they will share with you what's happening in their State across the Southeast.

I don't know if my colleagues can see here, but certainly North Carolina is predominantly red because now, and I will talk about it in a few minutes, almost every county, almost all 100 counties are in what's called the ''extreme drought,'' and I will talk about that; but my congressional district falls 100 percent in the extreme drought area.

And it does have an effect on rural communities, but it also affects suburban and urban communities. Plants are having their production levels cut to save water. Several communities have only a few months of water supply remaining. And I just talked about one that has no more than 60 days. It has now cut production in one of the plants that employs roughly 2,000 people; it has cut their production back to 3 and 4 days. They're hauling water in water tankers just to keep operating. I know that this is the case in several of these other States as well, and I look forward to hearing from my colleagues.

What we really need is a good rain. Members of Congress think they can do a lot of things, but they can't do a whole lot about rain. We can talk about it, we can pray for it, we can wish we were able to get it; but the truth is we can't do anything about it. And when we can't do that, what we can do is help in ways we can help.

In my district, the Second District of North Carolina, as I've said, the entire district is virtually in the exceptional drought area. That is the most serious category of drought you can have. Farmers have had to struggle all year in this very difficult situation.

The crisis that this drought is is underlined by the two critical variables that seem to be working against us. First is the self-sustaining cycle that a drought of this magnitude can trigger. For this region to recover any time soon, we will need at least an additional foot of precipitation. We're not likely to get that. This late in the

year, we normally get the ocean tropical storms out of the Caribbean. There was a time when we worried about hurricanes. We have people in North Carolina now saying we wish we could get one because they would get rain.

Mr. Speaker, I'm working in Congress to provide some relief. The House Agriculture Committee is holding a hearing on Thursday to help shine the spotlight on this growing disaster, and it really is a disaster of large proportion.

I wrote a letter to the President asking for assistance. This letter was signed by 54 of my colleagues, both Democrat and Republican. I assume it takes a long time for a letter to get to Pennsylvania Avenue. I haven't heard anything from him. I assume that Pony Express will show up one day, maybe it went with Turtle Express, but I do hope to hear. We have asked that some money be included in the supplemental that the President requests. And I understand he sent a supplemental down, but there was no request in it. I hope he will reconsider because these farm families may not be able to make it another year.

They pay taxes when they have money. They're God-fearing people. They help in their communities. And they deserve, when they have tough times, for their government to help them because they've helped others when they've had tough times.

Farmers are some of the most resourceful, ingenious, productive people around; but there is not much you can do to grow crops or raise livestock or produce poultry and pork without some of the essential things you need, and rain is one of those things. And you need feed.

Mr. Speaker, this is why we're here tonight, and this is why we all work together. And we're going to work to create an awareness to this problem. And we're going to put a fire under our colleagues, if necessary, and we're going to do the same at the White House if it takes that because our farmers and rural communities desperately need assistance. It is my hope that we can pass a relief package and that the President will sign it into law.

These are good Americans. They don't live someplace around the world; they live here in the United States of America. As I said earlier, they're taxpaying citizens when they have money.

Now, let me yield to my good friend from North Carolina, MIKE MCINTYRE, who also understands this problem. His district is caught in the red area also. So I yield to him for whatever time he may consume.

Mr. MCINTYRE. Thank you, Mr. ETHERIDGE. And I want to thank my colleague, BOB ETHERIDGE, for requesting this time tonight. Indeed, we all stand together, knowing that the severe drought which is gripping the southeastern United States has already destroyed millions of acres of valuable crops, Mr. Speaker, not only in our home State of North Carolina, but throughout the southeastern U.S. And, unfortunately, the situation is only going to get worse.

Today, North Carolina experienced yet another day of dry weather. Months upon months of hot temperatures, scorching sun back since early this summer, and little to no rain since then have brought about dead and dying crops, soybeans, corn, hay, cotton and nursery crops, in particular. During my travels around southeastern North Carolina, both the summer and this fall, I met with many farmers about this issue. Back in August, during our recess, I met with farmers then who feared the worse, and now here we are months later and unfortunately their nightmares are coming true. If we had not experienced significant rainfall by the Labor Day weekend, we were going to have even worse problems and, indeed, we have. Where lush green fields of corn once stood, ragged brown stalks, beat down by the sun, now dot our rural landscape; constant reminders of how devastating this drought is proving to be.

During August, I met with and talked with farmers from several counties. I asked North Carolina Governor Mike Easley, on behalf of our area's farmers, to request a disaster declaration as severe drought conditions existed in most areas, and I know my colleagues have done the same.

I also wrote then-Secretary of Agriculture Mike Johanns and the President to request their assistance. And subsequently, upon the return to Washington after the August recess, I then also asked the leadership of both parties here in the House to help us to help those in need because, indeed, this is not an issue about political parties. This is an issue of economic survival, and ultimately, it's going to affect everybody.

You know, Mr. Speaker, and to my friend, Congressman ETHERIDGE, and those others who are joining us here tonight that you will hear from shortly, this is something that affects everybody's pocketbook. We all depend on food and fiber for our very survival. And this is an issue that is now going to affect all of us here in our neighborhoods back home, in our communities, indeed, across our State of North Carolina and throughout the Southeast, and ultimately across this Nation.

According to USDA loss estimates, 85 of our State's 100 counties have reported excessive agriculture losses due to drought for at least one significant crop. And major losses have been reported already on corn, cotton, tobacco, soybeans, pastures, hay and peanuts. And those numbers continue to rise, Mr. Speaker, as farmers harvest what's left of their crops.

I also joined my friend, Congressman ETHERIDGE, in signing a letter to the President as well when we returned from our recess.

Now, for many families in our district, farming is their sole source of income, and any significant loss of yields is financially devastating. As we all have been hearing from our farmers, they may not even be able to make it until next year, and many may be forced to sell the land they have just to pay their bills. And even if North Carolina were to see some significant rainfall, most crops are already too far gone for it to make a difference at this point.

What these folks need now is disaster assistance to help them pay their bills, to make sure that they can remain on their farms and get ready to plant again in the spring. It is also important for all of us, as communities and as citizens, to realize that this is going to affect all of us beyond the farms into our very homes. And now people are realizing that with preventative measures they're having to do to avoid wasting water.

It's imperative that we support our farmers during this dire time so that we may ensure a safe and abundant food supply for which we, in America, are known and which is important to all American citizens. We need help, and we need it now.

And let me just say that this drought reaches, indeed, beyond the farm to citizens throughout regions now across the country. Restrictions on watering lawns and washing cars have now turned into calls to even reduce shower times. And public schools and some places now have started to switch to paper plates to conserve water.

Our Governor now has called on even greater restrictions in North Carolina. And there are great concerns that we not only need rain to help the farmers, but this drought has affected every citizen, and our supply of water for all needs, in industry, in home, in schools, and throughout all sectors of society.

We must all begin to think about long-term strategies to conserve water and protect the vital water supplies of countless communities through, not only North Carolina, but, indeed, the rest of the southeastern U.S. With meteorologists now calling for continued warm, dry weather, the urgency of addressing this worsening drought continues to rise, and the need for financial assistance is greater than ever.

The time is now to act. I thank my colleague for helping us bring attention to this tonight in this time we have. And I know several colleagues from not only throughout North Carolina, but across the South, are going to be speaking tonight on the floor. We must act. We must stand in one voice. We must stand across party lines. And we must give the assistance that is needed now.

Mr. ETHERIDGE. I thank the gentleman.

I have just changed the map here for my good friend, Mr. SPRATT from South Carolina, to give a little bit better view of the South Carolina area that his district falls in. And it reaches, of course, into North Carolina, South Carolina, Virginia, as I said earlier, Tennessee, Kentucky, all the way down to Alabama.

As my colleague, Mr. MCINTYRE, said, and I think my friend from South Carolina will confirm, you know, these are the things, it sort of starts to weigh on you as the drought gets worse and worse. You know, not being able to water our lawn, wash your car, take a long shower is an inconvenience; but if you're a farmer and you don't have the water for your crops, it's catastrophic. Because you not only have an opportunity to lose your livelihood; you could lose your means of future livelihood if you ultimately lose your land and the equipment that you till it with.

So I would yield such time as he may consume to my good friend from South Carolina, the gentleman, Mr. SPRATT.

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Mr. SPRATT. Mr. Speaker, I thank my good friend for yielding and thank all of you for participating in this Special Order tonight. You know, we tend to think of ourselves as urbanized, even in the Southeast these days. But in South Carolina, my State, and even more so in North Carolina, agriculture is critically important as part of our total economy. In South Carolina, 46,000 full- and part-time jobs are supported by agriculture. That is 22 percent of all the jobs in our State; $15.1 billion in income is attributable to agriculture, 17 percent of the State's total income.

I could go on to show that even now in the 21st century, we in the Carolinas and throughout the Southeast still have a lot of agriculture, and we are critically dependent upon it. Our farmers and our people throughout the Southeast are faced with just about the worst drought I have seen in I don't know when. And it keeps getting worse and worse. I went to Marlboro County, probably one of the most agricultural counties in the 14 counties I represent. I couldn't believe what I saw. And it hasn't gotten any better since then. Soybeans that never develop. There is no pod. Cotton that is barely worth getting out of the fields. Hay, peanuts, pastures, you name it, they are all suffering. It is basically at the level of being catastrophic unless we can help and help soon. In Marlboro, back in September, the threshold for the Department of Agriculture in declaring a crop or an area a disaster area is 33 percent crop loss. Marlboro County in September, 2 months ago virtually, at least 6 weeks ago, had 67 percent of its crop already damaged. It is worse by now I am sure. I represent 14 counties, small-town counties, proud counties, but still dependent on agriculture, and 13 of those 14 counties were included recently in a disaster declaration from the Secretary of Agriculture. That is how widespread the disaster situation is.

Our Commission of Agriculture estimates that in South Carolina alone, the losses are going to equal $500 to $600 million. Now, most people don't know it, but most farmers today, responsible farmers, carry crop insurance underwritten and subsidized by the Federal Government. But it is not enough to cover their losses. It is partial recovery, but it is not nearly enough. The existing law requires, allows disaster relief and other forms of relief to farmers who have suffered from natural disasters, provided that they planted their crops or harvested their crops before February 28, 2007. Unfortunately, that applies to very few of our farmers in the crops that they plant. Consequently, they have next to no coverage, next to no protection from disaster relief that some farmers in other parts of the country would enjoy.

Basically what we would like simply to see happen is for our farmers to be cut into the same program of relief that other farmers are enjoying by virtue of existing agriculture law. That is what we are asking for. And there's several different ways to do it. Supplementals will be coming through here with capital improvements in various parts of the world, Iraq, Afghanistan; we could afford something in those bills for our own farmers. The farm bill itself will be coming back here in conference report. Maybe there is some way we can adjust it to provide for us. The Agriculture appropriations bill has not yet been passed. There are lots of opportunities.

We are here tonight to say we need the help of everyone, beginning with the administration. The Bush administration could initiate this process by requesting in the next supplemental some sort of assistance for these farmers, as was done and should have been done for the farmers suffering from wild fire on the west coast and, by golly, that will be a big first step and help us finish the process, carry the ball across the goal line here in Congress.

We are here tonight from all over the Southeast to bring the same message to the Congress, to the country and to the Bush administration. We are hurting, hurting bad. And if we don't get some sort of relief, it is going to be devastating for our farmers.

Thank you very much for the time you have yielded.

Mr. ETHERIDGE. I thank the gentleman, and he is absolutely correct. Let me share some numbers, and I think the same could be said for South Carolina as in North Carolina. This is from the National Government, and this map here was actually from the U.S. Department of Drought Monitoring and it is dated October 16. It is worse today than it was on the 16th because we have had no rain.

Let me just share some numbers, and it will be the same that is true in South Carolina, Georgia and all these regions that we see in red. For instance, as a State as a whole in North Carolina, just talking about topsoil moisture, 73 percent short, very short, 21 percent short. Translated, what that really means Statewide is you can't plant grain for the fall. The ground is so dry it will not germinate. In the mountains, 81 percent, very short, 16 short. In the piedmont, 87 percent short, 13 percent very, and even in the coastal plains 53, 34. From the mountains to the coast in North Carolina. South Carolina probably faces some of the same challenges in terms, and if you look at the crop conditions, and this was over a month ago, cotton, very poor and poor to fair, 80-some percent; pastures, 99 percent either fair, poor or very poor. I share that on pastures because there are a lot of cattle in South Carolina as there are in North Carolina. The price of cattle at the auction market has dropped $15 a pound since early summer. Now farmers are being forced to sell because of no hay, no grazing for the winter, and guess what is happening? They are getting hit twice. They are buying hay to feed the cattle that they have left, and the ones they are selling they get less money.

Now, the people in the Midwest faced this several years ago. This is something we haven't faced before. I will go through the others later. But at this time, my colleague from eastern North Carolina, where he is facing some of the same drought areas, one of the heaviest agricultural areas in North Carolina, my good friend, G.K. Butterfield, I yield to you such time as you may consume.

Mr. BUTTERFIELD. I want to thank my friend, Congressman ETHERIDGE, for yielding me this time. This is a very important issue for North Carolina, and I want to thank him for allowing me to come to this floor tonight to add my comments to this subject. Also I want to thank my good friend MIKE MCINTYRE. He spoke just a few minutes ago. MIKE and Congressman ETHERIDGE both are dynamic leaders of the Agriculture Committee. They both serve as chairmen of subcommittees on the Committee on Agriculture, and they are leading the way. I want to thank them publicly for their extraordinary leadership.

But, Mr. Speaker, I have come to the floor tonight to, again, talk about this serious drought. My colleagues are absolutely correct. North Carolina is experiencing its worst drought in 50 long years. In fact, nearly three-quarters of North Carolina's 100 counties, that is 75 or more counties, are experiencing an exceptional drought, the most severe category listed by the Drought Management Advisory Council. The council also lists the remaining counties as experiencing extreme drought or severe drought conditions. This is very serious for North Carolina.

The conditions have been so severe that several of our communities have as little as 3 months of water left remaining. If North Carolina does not see significant rain, some areas face prospects of water rationing. Yes, water rationing, or potentially running out of water entirely. The climate data shows that this spring and summer was the area's driest period since 1948.

North Carolina, Mr. Speaker, is taking this problem seriously. Currently, 106 public water systems have already adopted mandatory water restrictions, while 118 have enacted voluntary restrictions. I was on a program a few nights ago with the Speaker of our House of Representatives in North Carolina, Speaker Joe Hackney, and I told Speaker Hackney that I would be on the House floor tonight with our friend BOB ETHERIDGE and we will be talking about the drought. The Speaker of my House told me, ''Congressman, with all due respect, you need to talk about more than the drought. You need to provide resources for the farmers and others who are affected by the drought.''

This is very serious. As anyone can imagine, the effects on agriculture have been brutal. Congressman ETHERIDGE talked about it a few minutes ago and Congressman MCINTYRE and my friend Congressman SPRATT, they all talked about it. The effects have been absolutely brutal. It is estimated that peanut production is down about 20 percent from this time last year. Hay production has been cut nearly in half, and soybean production is down by more than a third. My colleagues, that is serious. In many parts of my district, and Congressman ETHERIDGE has the map there with him in the well of the Chamber, these conditions are so dry that the soil at the bottom of drainage ditches has started to crack, and water in streams and creeks has ceased to even move. For many, the water table has also dropped to the point where there is virtually no water in the ground. The drought also means that there is less water available for our cattle and horses and other uses. At this point, some farmers will likely have to abandon their crops, particularly our peanut farmers. The consequences will be even more serious if there is no significant rainfall between now and February.

Our U.S. Department of Agriculture declared 85 North Carolina counties disaster areas last month, making farmers eligible for low-interest emergency loans. And we are certainly thankful for that. But our farmers still need more help, and that is what Congressman ETHERIDGE was talking about a few minutes ago. We are facing the kind of disaster that could push many of our farmers out of business and off of their farms. Congress must move quickly to avoid worsening this natural disaster.

So, I am confident, I am extremely confident that the Democratic majority will rise to the occasion. We will certainly encourage the leadership to do that. We will make the resources available for our citizens. And I pray, Mr. Speaker, that the President of the United States would not veto that legislation, that he will sign it into law.

Thank you, Mr. ETHERIDGE, for your extraordinary leadership, and thank you for what you mean to North Carolina.

Mr. ETHERIDGE. I thank the gentleman, and I couldn't agree more that, you know, when you look at our State, really, all this whole region is suffering, but according to the numbers by the Drought Monitoring Council in the Department of Agriculture, if you look at North Carolina specifically, North Carolina is still reporting more drought impact than any other State from the mountains to the coast. Now, all these in the Southeast are hurting. But in North Carolina, as one farmer said to me the other day, and I mentioned this earlier, he said, ''You know, if you can't water your lawn, that is an inconvenience. If you can't wash your car, you can drive it a little dirty. You can cut back on the shower. But my ponds are empty, so I can't irrigate my fields. So I am facing the forces of nature, and I could lose everything I have got.'' That's a sad situation to be in. But it is a reality. When that happens, you know, farmers are the last ones to sort of stand up and say, ''We want the government to help us.'' They usually want to say, as you well know, ''If you just leave us alone, we can get our jobs done.'' But this is one of those times that many of them won't make it without help. And it is certainly true in your area as it is in mine.

Mr. BUTTERFIELD. Mr. ETHERIDGE, are you beginning to hear from our farmers across North Carolina? Are they calling your office like they are calling my office?

Mr. ETHERIDGE. They are.

Mr. BUTTERFIELD. I discern a sense of desperation among our farmers. They are looking to their Federal Government for a response. Is that what you are finding?

Mr. ETHERIDGE. I am. I thank the gentleman for yielding. I do. And it is one of those things where, as I said earlier, it didn't start this year. It really started last year, as you remember. We had a dry winter, then a late frost that hurt the spring crops, and then we had a dry summer that led into the fall, and now they can't plant the fall crops because there is no ground moisture. So there is a level of desperation that I can't remember having seen in my lifetime. Certainly we are hearing from farmers on a daily basis just saying, ''What can we do? What kind of help can we get to get through this?'' because they know they have no ability to make it rain.

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Mr. BUTTERFIELD. If we don't do it, it won't happen.

Mr. ETHERIDGE. That's exactly right. If we don't get it done, it won't get done. I appreciate you being here tonight. Thank you for coming and joining us.

According to the National Drought Monitor Center, North Carolina is still reporting, as I said, the largest drought impact in the United States at this time. The crop conditions are devastating.

Let me just share with you an example of a farmer from Autryville, North Carolina. He grows watermelons. He said, We have suffered at least 25 percent for our early summer crop and an 80 percent loss of the later plantings in August and September. We had over 500 acres of watermelons.

Now for the people who go to the grocery store, they are going to feel that impact because not having products produced close to home, that they don't have a lot of transportation in, that they know where it comes from, they get a good, fresh product at a reasonable price. That won't be there. He said, All of our ponds ran out of water in both the watermelon and the cantaloupe fields even though we only used drip irrigation. You say, Why would the water run out? Because we had the hottest summer on record. When you have a hot summer, you get a lot of evaporation. If you get no rain, you get no opportunity to replenish it.

He said, Our cantaloupe crop wasn't hurt much more than 25 percent totally. However, a 25 percent loss starts to eat up our profit when you have over 300 acres of cantaloupes that were early. Pumpkins. We experienced 100 percent loss on our 100 acres of pumpkins. Even though we were able to irrigate some of them, we ran out of water. The excessive heat caused very poor pollination, which resulted in no fruit set.

Now, for those who are listening this evening here in the Chamber and those who may be watching on C–SPAN, what they are really talking about is you have to pollinate those flowers, and if they don't get pollinated and don't set, you get no fruit. So all of a sudden, after all the work he put in, the expensive inputs, there's no money at the end of the year.

He said his wheat crop was about a 65 percent loss due to the drought conditions as far back as February and March. Remember, I said earlier we had a dry fall last year, it went into the winter, and then we had the early frost that hit the wheat and the oats and a lot of our late grains. So he winds up with a 65 percent loss there.

Then his other crops, and this is just one farmer, and I will share with you in a minute what these products mean in terms of dollars just in North Carolina. I could use other States, but since North Carolina is my home, I am going to use that State. It has an impact because roughly 25 percent of North Carolina's gross domestic product is really tied up in agriculture. Peanuts. Our loss ranged anywhere from 30 percent to 75 percent below normal yields due to drought. That was just a plain lack of rainfall.

Now, some of you might say, Well, why would the rains be so great between 30 percent and 75 percent for a farmer who had peanuts. You have got to understand, the rain, what little rain we got this year, and, remember, I said earlier it rains, depending on where you were in the State, 10 inches below normal, to as much as 20. If you happened to be in one of those 20-plus

inch areas, then your peanuts didn't do much of anything, or anything else. So that was part of the problem. It could happen within any given county. This is one of those unusual drought years.

He said, I planted soybeans. Even though we haven't started harvesting soybeans yet, there is nothing there to harvest. We have 500 acres of soybeans. So those of you who don't have an idea how much 500 acres is, I will just share with you that if you had a good yield on 500 acres, and you yielded say 40 bushels an acre, you can figure it up right quick if soybeans are $7 a bushel. You can see how much prospective income you have just lost. You have already got all the expenses of getting your land ready, buying the seed, putting the chemicals on it if you had to spray it for pesticides or something. This year they probably wouldn't because it was so dry. Any time you have a dry year, you're more likely to have pests eat it. That is a real problem.

Just this past Monday I was in the field with a gentleman who actually farms in Johnston in Wake County. Mr. Jordan carried us into one of his grain fields of soybeans, showed us his sweet potatoes. Let me just read to you what he said when I visited him. He is a hardworking guy. He has farmed all of his life. His dad farmed the land; his son is now with him.

He said, I just had a third of a crop of sweet potatoes come in, and the ones we harvested, and for those of you who know what I'm talking about, number one potatoes are the ones you get your money for, and the others don't turn out too good. They're good potatoes, but people go to the grocery shelf and they may not buy them. Most of them were not number ones.

Then we went to his soybean field, and in that field, and I grew up on a farm, my son still farms, I participate in it a little, and I would venture to say we opened some pods on some of the soybeans, and those of you who ever had a BB gun know how big a BB is, and a soybean is supposed to be a lot bigger, like a pea. And they were like BBs.

Of course, when they go through and harvest, they will go right through the harvest and wind up back on the ground. They are great to help the birds a little bit, but it's going to be devastating for Mr. Jordan and farmers like him. He said, The heat has been as big a factor as the drought. Of course, all of you know the heat contributes to the drought, because it was the hottest summer on record in the State of North Carolina and in the Southeast.

He went on to say he has cattle. He said there is not enough hay to cut to justify running the machinery, so we are to spend a lot of money for feed to help these cows get through the winter. We have farmers in North Carolina hauling hay great distances, others that cannot even buy it, hay that was $20 and $25 for a big bale has now gone from $40 to $50, and in some cases they can't even get it. This is why they are asking for help. This is why this Democratic Congress, and I hope my Republican colleagues, and I pray the President, will do the right thing and sign legislation to help.

Mr. Jordan has estimated that his gross loss will be somewhere between $115,000 and $200,000 on his fall harvest. He is a large operator. He might weather it. But it will take him years to recover, because the machinery he uses has got a year's use on it and it is getting worn out and he has no money to make it happen. He said, I hope we can salvage some of it. We will try to save what we can. And I just say thank God for people like him and other farmers who are willing to continue to get up early in the morning, work in the hot sun, and take the huge risk that it takes to provide food and fiber for all of us in America.

Let me share with you something about what is happening with what we call the ''green industry.'' The green industry, of course, is our nursery industry and a host of those things tied to it. These numbers are for North Carolina.

The green industry contributes more than $8.6 billion to the economy of North Carolina. The green industry alone employs roughly 151,000 people. Due to the drought thus far this year, the green industry has laid off 30 percent of their labor force and revenues are down 40 percent. Let me repeat that again: 40 percent.

Now, that will be felt not just this year. That is going to be felt for a number of years, because that means, number one, you can't expand. Number two, you can't buy new equipment, and all of those people that they buy trucks, tractors and equipment from, they are going to feel it.

As you can see from the map here, as I said earlier, the situation in North Carolina and the entire region is dire. Fifteen more counties were just moved into the worst category of drought, exceptional, this week. We talked about 85 already. Fifteen more have been moved into it. We hope to get some rain this weekend. Every time we get promised rain, it tends to split and get away. We hope we do. But more is needed to make it. When you have as much area having drought as we do, it just seems that it gets tougher and tougher.

Let me share with you one other thing. I think it was my good friend Mr. BUTTERFIELD was talking about how he saw streams that were cracking. I was up toward Siler City about a month ago in the Upper Piedmont, western part of my district. It was the first time in my lifetime I have seen trees along streams that were dead. Not the leaves falling off, trees were dead, because the streams had long since dried up. And anyone who knows anything about forestry, a tree near a stream tends to have its roots fairly shallow and in the water or close to it. These streams had been dry so long, the trees didn't have deep roots so whole trees were dying. You could see long strips of trees along streams that were dead. Farmers had been feeding hay since late July.

I keep repeating this because this is a critical situation. You know, you can be in Washington and you can come into this nice building and you can have plenty of food every day, but one of these days, if we don't take care of the people who provide food and fiber, we might face that challenge too.

So I hope my colleagues understand how serious this situation is, and I hope the people at the White House understand. I pray that the President will send a request to help not only our folks in the Southeast that are going to take a long time to recover, but also those on the west coast that we see on TV tonight, and it looks like it is going to be awhile, who have lost a great deal as well.

These things, if they do not deserve an emergency appropriation, I pray ask, what does? If we can't help the people in this country, who can we help? When can we help them, if we can't help them when they are hurting?

Mr. Speaker, almost 85 percent of the land area of my State is now designated as being either extreme or exceptional drought. To my knowledge, that has never happened in my lifetime. I have talked with people who are almost 100 years old, and they never remember it.

Fifty-four percent of the land area is in the exceptional category. That is up from 38 percent just last week. And, as I said, all of the State is in at least severe drought, with the last three counties in the moderate category now moving into severe.

On October 18, the North Carolina Drought Management Advisory Council Web site listed the number of North Carolina counties in each category as follows: D–4, that is exceptional, 71; D–3, extreme, 18; and D–2, severe, 11.

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We talked earlier about the challenge we face with water. And water is important to sustain life. I mentioned earlier about Siler City. I want to talk about that again because that county has probably suffered as much or more as any county in the district, agriculturally as well as the city of Siler City. They are down to 60 days of water. Tonight I want to thank the Governor of our State, Mike Easley, and his staff and some of the folks from USDA who have worked together to try to make sure that the town has water. They have been hauling water with trucks to keep roughly 1,500 to 2,000 people working. As I said when I began to speak, they are now down to 3 or 4 days a week. It looks like they are going to break ground, because of the hard work of the Governor's staff, on a waterline that will hopefully get them over the hump. But we still need rain and we need help.

These two plants, Pilgrim's Pride and Townsend, provide a lot of jobs, but

they also provide an opportunity for our farmers to have income who produce a lot of poultry in our State. They provide a lot of food for the table of a lot of Americans who don't want to think about it, who don't want to know about it, who really aren't interested in it. They just want to go to the meat counter and have good, safe, plentiful, affordable food supply.

Mr. Speaker, to do that it is incumbent upon every Member who took the oath of office in this Chamber and the other body across the hall and the President of the United States, if we can get together a bill, pass it, and we should, for him to sign it, to make sure that these folks continue to make it.

I saw on Monday the sad commentary of what a major drought can do. I was on our farm with our son Saturday. We spent an hour or two and were going to put a cover crop in. We actually put some in last Saturday. He said to me I probably made a mistake; it might not come up. He is probably right. This Saturday we decided not to plant anything because the ground was so dry it wouldn't germinate.

I happen to believe our food supply is part of our national defense. It is part of our homeland defense, and Members of Congress I think will rally. Farmers face some of the toughest perils that I can imagine when they invest their money in the spring and depend on weather to make it. Make no mistake about it, somewhere in America almost every year there is some catastrophic event tied to agriculture. Some of it is tied to our beaches with hurricanes. It is tied to tornadoes in the Midwest. It is tied to earthquakes. It is tied to a lot of things. We have always responded. We have always helped, and we should. Now is the time, Mr. Speaker, to help the people in the Southeast at a time when we have the toughest drought that we have ever faced.

And I am pleased that we are now joined by my colleague from Wake County who understands this. He represents some of the agricultural area, but we are very fortunate to have him chairing the Appropriations Subcommittee on Homeland Security, and he certainly understands that our agricultural production is part of our national security as much as protecting our homeland. If we can't have cotton and corn and soybeans and those things we enjoy having on our table, then we are challenged. And I yield to the gentleman from North Carolina (Mr. PRICE). He can see from the map as well how North Carolina is the worst of all of the southeastern States by the drought monitor.

Mr. PRICE of North Carolina. I thank my colleague for yielding. That map before us is an all too familiar scene, I'm afraid. We have seen the drought areas growing and growing each week in the newspaper depictions of our weather pattern. It is very, very dry up and down the eastern seaboard. In the Washington, D.C. area, this is a serious situation as well. But my colleague is right; no State has been hit harder than North Carolina. And the devastation started in the western part of the State at first, but has now swept across the State, and we have severe drought conditions, I think, in every one of our North Carolina counties. The situation is dire.

The gentleman from North Carolina (Mr. ETHERIDGE) who serves so well on the Agriculture Committee and also the Homeland Security Committee, has done us a service in organizing this Special Order tonight and bringing this serious problem to the attention of our colleagues and to the attention of the country.

If anyone has spent any time at all in the Southeast this summer and fall, it would be difficult for the enormity of the drought not to catch your attention. We see it daily during our time in North Carolina. We are not simply talking about brown suburban lawns or needing to take shorter showers, although both of those are realities. The hot and dry conditions of the past several months have dried up our lakes and killed our crops. They are threatening the water supply of many communities, and they are irreparably damaging this year's agricultural output.

It is that damage to agriculture that brings us here tonight. North Carolina boasts one of the most diverse arrays of agricultural products in the Nation, yet crop yields in North Carolina and other southeastern States are down across the board. There is not a crop that is not affected.

Last month, following our Governor's recommendation, the U.S. Department of Agriculture designated 85 of North Carolina's 100 counties as disaster areas, and all 85 of these counties have lost at least 35 percent of at least one major crop.

Such losses are not confined to farming in rural areas. They may hit the smallest farming communities the hardest, but they inflict serious pain on the entire economy of an agricultural State like ours. They are felt throughout the country, seriously affecting the Nation's food supply and prices.

This may be a regional drought, a disaster that is centered in the Southeast and in North Carolina in particular, but there is no doubt it is a national problem and that national attention is called for. We need to focus attention on this challenge in this body.

Congressional attention and action are demanded. That is why we signed a letter to the President requesting that he include disaster assistance in any supplemental appropriations request. I am disappointed that yesterday's request failed to do so. I know my colleague shares that disappointment, and I suspect he has talked about it a good deal tonight already.

I am hopeful that the Appropriations Committee will pay attention to tonight's remarks and understand the scope of this problem and take appropriate action. I am a member of that committee, and I plan to press for disaster relief wherever and whenever it can be achieved. I urge all of my colleagues to do the same.

Again, I commend my colleague for calling this Special Order and for his dogged persistence in looking out for our farm communities, but also understanding the implications of this disaster for the economy as a whole.

Mr. ETHERIDGE. Let me thank the gentleman and thank you for your leadership not just on this, but other issues as well. North Carolina is one of those States, I couldn't help but think as you were going through the list, as you talk about the drought, and over the years being here talking about floods and hurricanes because North Carolina, as folks can see on this map, we sort of stick out in the Atlantic and we get whacked by hurricanes and we have had floods. I thank the gentleman for his leadership over the years. He has taken the leadership on the Appropriations Committee, and we will lean on your broad shoulders again as we work through this because it is important.

Let me share with my colleagues in the little time we have remaining what Brian Long, who is a spokesman for the State Department of Agriculture and Consumer Services had to say. He said, ''We cringe a little more each month because it is going from bad to worse.''

And I say that because every day that it doesn't rain it gets drier, and every day that it gets drier, it means that more and more farmers move closer to the edge. Don Nicholson, a State regional agronomist, said: ''It's the worst I've ever seen. My mother is 76. She talks about how bad it was in the early fifties. That is the only reference point that I have.'' And what he was saying was fifties were bad, but 2007 is worse.

Mr. Speaker, as I close out tonight, I want to thank my colleagues for coming and joining me to talk about this issue, to call attention at the national level because truly this is a problem of national proportion. As the gentleman from North Carolina (Mr. PRICE) said, it may now only affect the Southeast, but it really is a national issue. It is national in that we are all in this together, and it is national in that this will ultimately affect the table of families across this country in one way or another, because if cotton production is down, it will have an impact. And for all of the fruits and vegetables, it will have an impact. And soybeans and corn over the long haul, because if you have to pay more for feed for pigs and poultry, it is reflected on the tables of American consumers and people around the world.

Mr. Speaker, I trust we can get a bill through and I trust that ultimately the President will send us a request in one of the supplementals where he is asking for additional money from this Congress. And if not, that we will put

it in and that he will sign it. That's the least that we can do for the people in this country who work hard every day, who play by the rules, who are good folks and deserve an opportunity to continue to do the things not only that they love, but provide food and fiber for our tables.

DREAM ACT IS AMERICAN NIGHTMARE

The SPEAKER pro tempore (Mr. MITCHELL). 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. Mr. Speaker, as always, I very much appreciate the privilege to address you here on the floor of the United States House of Representatives.

Having sat here and listened to the discussion that was presented by our gentlemen from the Carolinas and talking about the drought in the Southeast, I am quite interested in the map that they have laid out for us to see.

Coming from an agriculture State and district myself, I will say I have significant empathy for the drought plight in that part of the country. That huge area of bright red tells me how tough it must be down there where it hasn't rained very much in a long time and gives me a sense before how long it will be before you can see green again in your part of the country, Mr. ETHERIDGE. We have lived through that in past years, and I can tell you, it goes deeper than just looking at a picture. It goes to the very lives of the people you represent.

I yield to the gentleman.

Mr. ETHERIDGE. I thank the gentleman for yielding.

I remember when we went out to South Dakota and through Iowa and how tough it was when it was dry. I will always remember with my good friend, JERRY MORAN, we flew into Kansas last year to do a hearing on the ag bill. Lo and behold, when we flew in, it was raining like the dickens. I said, ''JERRY, you have been talking about how dry it has been for so long.''

He said, ''Yes, and all of a sudden we got plenty of water.'' Hopefully we will get back there, but you do understand. Thank you for your help. I think this is an issue where we have to pull together and help. I thank you for your leadership and help on the Agriculture Committee, too. I appreciate that.

Mr. KING of Iowa. And I thank you. We will work together on this issue. There is nothing your producers can do when it doesn't rain. Perhaps we can have a hearing down there and it will bring rain like it did in Kansas.

Mr. ETHERIDGE. That would be great. Thank you.

Mr. KING of Iowa. Mr. Speaker, I wanted to express those sentiments, but I come to the floor tonight to discuss a different subject matter.

□ 2045

The subject that I've chosen to discuss tonight is the Dream Act, and I do so because a vote on cloture is scheduled on the floor of the United States Senate tomorrow sometime, I believe, in the afternoon.

The DREAM Act, Mr. Speaker, you will remember is an act that's been pushed for several years here in the United States Congress and also pushed at the State level. What it is about, it is a bill with a wonderful name, and once you read through it and think about the ramifications, it's not such a wonderful bill. It has actually meant the demise of a number of public figures. People who have served in this Congress, people that have served in the State legislatures and people who have aspired to serve in this Congress have found themselves enamored by the wonderful name, the DREAM Act, but also trapped up in and captured in the pitfalls of the reality of what's behind this DREAM Act.

So, Mr. Speaker, if you will permit, I will describe what the DREAM Act does, and that is, it provides, let me say it this way, an opportunity for in-state tuition discounts to go to people who are otherwise unlawfully present in the United States, usually younger people that have graduated from high school. It gives them in-state tuition discounts, or allows the States to do so, and then gives them a conditional legal status in the United States provided they enter into college or enter into the uniform services, not always our military, but some type of uniform services.

This sounds good over the top of things, but it works out to be this: it defies a current Federal law. In fact, it has to amend a current Federal law, a law that's been defied by at least 10 States, and it's a law that was in the 1996 Immigration Reform Act, sponsored by now-ranking member of the Judiciary Committee, LAMAR SMITH of Texas.

This legislation in 1996, current Federal law, Mr. Speaker, prohibits a State and institutions of higher learning from granting residency in-state tuition discounts, breaks on the costs of the education, to students who are unlawfully present in the United States, that's a nice word for illegal aliens, Mr. Speaker, unless those universities and those States that set that policy grant that same tuition discount to all students who are lawfully present in the United States wheresoever they might reside.

So let me just draw an example, being from Iowa. Let's just say, for example, that there is a student that grows up on the east side of the Mississippi River and a resident of Illinois who wants to go to college at Iowa State University. And if Iowa had the DREAM Act as a policy, and they defeated it in the State legislature a couple or 3 years ago, actually let it die in committee as I recall. But if that student who grows up and goes to a high school in Illinois, a resident of Illinois, chooses to go to college at Iowa State, they will pay an out-of-state, nonresident tuition of about $16,000 a year; and by the way, a resident of Iowa will pay about $6,000 a year. So not quite three times as high if you're a nonresident student.

And by anecdote, I can tell you that in California the numbers are comparatively about $3,000 a year to go to school at a California institution if you're a resident, and I believe it's about $23,000 a year if you're a nonresident. You pay that kind of premium if you come from out of state to go to school in-state. Each State sets their own policies. These numbers aren't hard; but, conceptually, they're accurate numbers, Mr. Speaker.

So the out-of-state student, the nonresident student, pays a premium to go to college at an institution in a State that they're not a resident of. That's been a longstanding practice so that the State can encourage, foster, and subsidize the education of their residents in the hopes that they have highly educated students that will stay at home and grow the economy of the State that pays the taxes to support those institutions of higher learning.

But that's a little too convoluted, Mr. Speaker. I'll just say that States want to help their own residents. So they've set these policies, and that's why it costs more money to be an out-of-state student going to school in another State than it does to go to school in your own State, a longstanding practice.

The DREAM Act turns that all on its head, and for illegal alien students who have come into the United States in violation of the law, whom if ICE, Immigration and Customs Enforcement, were to be required to deliver this in-state tuition discount, let's call it a voucher, it's not, it's a discount, but if they had to deliver it in the form of check or a voucher and if ICE had to deliver that, Immigration and Customs Enforcement, they would be compelled to pick up that prospective student and send them back to the country from which they came so that they could be legally residing in their home country.

That's the law, Mr. Speaker, and the Dream Act turns this on its head. It grants people who are here illegally, all the way up to age 30, if they will enter into a school and start their studies on a 2-year study program or if they will go into the uniform services, not necessarily our armed services, then they get conditional residency or conditional legal status in the United States. And then, if they keep their nose clean, they get a green card which is lawful, permanent residence, and it's about 5 years to citizenship. And the formerly illegal immigrants have access then to all the chain migration tools that anyone else has who comes here legally for those who have respected our laws.

Now, that means they can bring in their siblings. It means they can bring

in their children. It means they can bring in their parents, and that whole chain migration can start over and over again.

We had a chart that was put together on the chain migration that comes with the policy that's there that's called family reunification, and it looks like about one legal immigrant can bring in about 277 family members by the time you go out through the chain of the family tree. That would also be true for an illegal immigrant who would be granted amnesty under the DREAM Act.

So in-state tuition discounts, amnesty for illegal aliens, put this bill, this bill that if the cloture as has been filed and if it successfully passes tomorrow, then the Senate will go to a vote on the DREAM Act. If they do that and the House should take up the same bill and then the President should sign it, you will have illegal aliens who will be sitting in desks in the institutions of higher learning within our States studying, going to college at the expense of the taxpayers and at the expense of the Federal taxpayers because we do appropriate funds that go into these institutions.

As you know, Mr. Speaker, there are only so many desks in a classroom. There are only so many slots in our institutions of higher learning, and that's why we have admissions requirements. That's why you apply and you put in your grades and all of the other qualifications that are there, and very tough decisions are sometimes made by these universities to allow people to come in and study there or to cut them out.

You will remember some high-profile cases. For example, the affirmative action cases at the University of Michigan and at the University of Michigan Law School. There are only so many desks that are available. Imagine granting an in-state tuition discount to someone who came across the border and into the United States illegally and someone who is getting a $6,000 education, when the student sitting in the desk right next to them is a United States citizen, naturalized or born in the United States, whose mother or father has served perhaps in Iraq or Afghanistan, who has perhaps been killed over there to defend our freedom, and that poor student without a father or a mother has given their life for our freedom is paying out-of-state tuition prices to go to school at their preferred institution, sitting in a desk next to someone who is unlawfully present in the United States and would be deported if it weren't for this DREAM Act that grants them amnesty.

Now, that sets up a friction in this society, Mr. Speaker, that's illogical. It's irrational. It rewards the wrong thing, and in the end, it would not be tolerated by the public if they begin to understand what this really means.

The Department of Homeland Security, Michael Chertoff's DHS, under this DREAM Act would not be able to go in and use any of the records; and so if they want to protect this society, if they want to go in and apply the law, they can't even look at the records that are there that are part of the data that's compiled to grant this supercitizenship to people who are eligible for deportation. And I say supercitizenship, Mr. Speaker, because this supercitizenship path, by the way, grants more rights, special rights to illegal aliens to go to school in our institutions of higher learning at a tuition discount.

For example, if you have a legal alien, someone who has applied for a student visa or has lawful, permanent status, lawful permanent residency here in the United States, a green card, and they're going to school at an out-of-state institution, they have to pay the out-of-state tuition rate. If someone comes in from Korea or Guatemala or let's say Russia, Poland, comes into the United States legally, student visa or under a green card, maybe even in a path to citizenship, and they have a residency in New Jersey, they can't go to school in New York with an in-state tuition discount, and they sure in the world can't go to school in California for $3,000 because they'll be considered an out-of-state resident and they will be.

That's the way it is for American citizens, both naturally born and naturalized. That's the way it is for people who have followed and respected and honored our immigration laws, whether they're on a student visa or whether they're here on lawful permanent residency, a green card. They all have to follow the laws of this country, and they all have to pay the going rate that reflects their residency of their State.

And consider, Mr. Speaker, if you will, consider the children of military families, whether or not they've lost a parent in this global war on terror. Those children move around a lot, and some of them don't qualify necessarily for the in-state tuition discount maybe anywhere, and they would be paying a premium as a son or a daughter of our military veterans, sitting next to a desk of someone who before this act would be passed today will be unlawfully present in the United States, subject to deportation who would end up getting a discount for the tuition.

This is the bill, Mr. Speaker, that the Senate proposes to bring up tomorrow with their cloture vote; and if they vote cloture, and we'll have this debate on the floor of the United States Senate, and you're going to be able to, Mr. Speaker, look across over to the Senate and be able to evaluate the set of values that the United States Senate brings to the table and this set of values that produces supercitizenship, superaccess to citizenship for illegals.

I recall some of the debates that we've had here on the floor of this House. Discussions and speeches, I should say, rather than debates; and I recall how easy it is for some of the Members to look at this and conclude, well, this is the DREAM Act, and why would we want to punish kids who are simply here unlawfully? Can't we give them an education, and isn't that a better thing? Yes, if your view is that simplistic, Mr. Speaker, if that's all the view is, isn't it better for the kids that would be beneficiaries of this? The answer is yes.

But we could grant in-state tuition discount to every kid in this country, and in my State it would cost several hundred million dollars. The State legislature is not willing to do that. The current law is, if you grant that in-state tuition discount to students who are illegal, then you grant that same discount to everyone in the United States, wherever their residency might be. And so all of those students that are paying out-of-state tuition, that $16,000 in Iowa, would end up getting the $6,000 annual education as opposed to the $16,000 education. A $10,000 premium that's there that's levied against all of those students that come from other places around the country and the world would all be level down to $6,000.

They can do that today if they choose, Mr. Speaker; but they will not do that because the boards of regents and the State legislatures across this land don't want to take the financial hit. They don't want to level the premium. They don't want to give this kind of benefit to all American citizens. They don't want to give this kind of benefit to the sons and daughters of our military. They don't want to give this benefit to those who are legally emigrating here into the United States. And they don't want to give this benefit to those who are on a path to citizenship here in the United States provided they're not residents of the institution in question.

No, sir, Mr. Speaker. This is all about special right, special treatment for people, for students that are unlawfully here; and the numbers break out to be something like this. A million, more, we don't know. There's not a cap on it, but the best estimates say more than a million; and we know that when you grant benefits, it attracts more people. And there will be people that will come into the United States illegally and present themselves to go to college at a tuition discount, and they will say, oh, yes, I've been here that 5 years or so that the Senate bill requires that I'm here; and by the way, I have these falsified utility bills and rent canceled checks and things of that nature that say that I've been here so I meet the minimum standards. Give me that tuition discount, too.

That's the view and the strategy, the special extra citizenship rights that come with it for more than a million people. And we know also, Mr. Speaker, that whenever you open the door up and you count the numbers, the numbers get greater, not smaller. Ronald Reagan said, what you tax you get less of; what you subsidize you get more of.

And we are here talking about opening the door to subsidizing significantly a two-thirds discount, a 66 or 67 percent discount, on college tuition for people who are eligible for deportation.

□ 2100

I think it's breathtaking how far they are seeking to reach over in the United States Senate. I think the people understand this. I think they understand that this is a super amnesty plan. Whatever your heart says, can we just please engage our brains for a little bit and think about what this means; what it means if we give in-State tuition discounts to people who are unlawfully present in the United States, those who, as I said earlier, if ICE, Immigrations and Customs Enforcement, had to deliver the paperwork that said here is your tuition discount, they would be compelled to pick these students up and send them home again. Some of these students up to the age of 30 are taking advantage of the soft heart of Americans.

So extend this on out, what's the motive? Some is driven by the churches, I understand. I appreciate the ministry that they provide. You know, I am a strong proponent and adherent to the values that come from our churches and the good movements in America that come from the pulpit. But if the churches from America believe that we should be providing in-State tuition discounts for those people that the law says need to be sent home, can you please pass the collection plate. Don't come here to Congress and ask that we squeeze that out of the sweat of the taxpayers, because they are the ones in the end that pay the price, and the American citizens that won't have a desk in a classroom, because that desk is already filled by somebody who gets a cheaper rate than they can get.

There is only so much room. There are only so many benefits. We can help in the foreign countries better than we can open our doors here for an unlimited amount of people coming in. When we undermine the integrity of our immigrations system, when we do so, we take away the options that are constitutionally bestowed upon this Congress. The Constitution directs us to set the immigration policy here.

I recognize that we have a legal and appropriate right to deal with acts like the DREAM Act. We ought to shoot it down. We ought to vote it down. We should defeat it. We should not let it slide its insidious policy across the halls here between the Senate and the House of Representatives. It should not be passed.

In fact, the Senate has three times here in the 110th Congress, three times just this year, voted to defeat the DREAM Act because they understood the political repercussions from the American people who understood what amnesty is. This bill grants amnesty. This bill says, it says that if you are here unlawfully, if you are subject to deportation, but if you apply for this DREAM Act and apply to go to school, under a super discount, we will give you conditional lawful status here in the United States. That's amnesty. It's also a path to citizenship, and it opens the door for family reunification, the chain migration that we talk about. It does all of those things. That's amnesty.

Amnesty, to define it for the benefit of those who have heard a lot of different definitions, the consistent definition of amnesty that addresses this is the definition that we have used in the Judiciary Committee over and over again. In our debates as we mark up immigration bills, in our hearings as we cross-examine the witnesses on immigration, to grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crimes, to pardon immigration lawbreakers and reward them with the objectives of their crimes. That's amnesty. That's what the DREAM Act does. That's what's moving, that's what's cooking, that's what is shaking over in the Senate.

By the way, the beneficiaries of this act don't have to finish their college education. All they have to do is engage in it for a couple of years. That starts the ball rolling. As I said earlier, they don't have to serve in the military; they just have to serve in the uniformed services. There are many holes in this act.

Let me take this, if I can, back to another subject matter that's associated with this, and that's the subject matter that also threatens to find its way into legislation that we expect will be moving in the United States Senate, and that's AgJOBS. AgJOBS is a bill that grants amnesty to people that are unlawfully here that are working in the agriculture industry, people that are picking lettuce, as Senator MCCAIN has so well illustrated. And the AgJOBS bill says if you have been here for 5 years and you apply under this AgJOBS, we will grant you a lawful status here in the United States. That also is amnesty.

The AgJOBS bill that looks like it's most likely to emerge in the United States Senate gives a path to citizenship, provides immediate lawful presence here in the United States, a path to citizenship, a reward to immigration lawbreakers, a pardon to immigration lawbreakers and the reward of the objective of their crime, which is, we presume, in most cases their objective was to get jobs here in the United States.

I would point out that the low-skilled jobs here in the United States have the highest level of unemployment. It's not the other way around. There is no statistical data that supports that this country is starved for low-skilled workers.

When we look at the low-skilled workers, the unemployment rates go over 10 percent, well over 10 percent. American citizens are being bumped from jobs, those jobs. Low-skilled, undereducated American citizens who were born here and naturalized here are being bumped from those jobs by illegal aliens who are taking those jobs cheaper.

Of course they can. In fact, they have to, because some of the job market they can't compete in, in the legitimate part of the job market. So they all come in and work cheaper, but on the other hand they don't have the risk of liabilities that go along with steady employment like a citizen does with a regular address who has the obligations to make their contributions to the Federal Government, to the State government and to the local government.

It's not to say that many of the illegals don't pay taxes, but here is where it comes to me this way. Someone who presents a Social Security number, that's often someone else's, and sometimes it's just a made-up number. They then have been consistently hired to go to work through a number of different professions; most, I will say, many of the professions. They will often record the maximum number of dependents with the H.R. team that's there for the company so that they get the highest amount of take-home pay and the least amount taken out for their Federal and their State income tax in the States that have income tax, and that's almost all.

If you have someone come in, and let's just say they are making $10 an hour, and let's say it's 40 hours a week, and it's simple math, and I am just doing it as I stand here, so that's $400 a week. The withholding that would be there for the State taxes at $400 and for the Federal tax at $400 a week, if you would claim a number of dependents, let's just say six or seven or eight, you are already in the category at that kind of wage where you wouldn't have any withholding for Federal income tax, you wouldn't have any withholding for State income tax. You would still have to pay the payroll tax, Social Security, Medicare, Medicaid.

That gets sacrificed to the no-match Social Security file, of which there are hundreds of thousands of no-match Social Security numbers on record. The deposits that go in on those keep growing in the Social Security trust fund. Now, that's a whole different speech, but the sacrifice is made on the part of those illegals who are working on an assumed Social Security number, not their own, obviously. They sacrifice the payroll taxes, Social Security, Medicare and Medicaid because it's cheaper to do that and it's possible to do that.

Their take-home pay is their gross earnings minus the payroll tax, Social Security, Medicare and Medicaid, 15 percent of that, half of that, and the employer matches the other half, but no withholding for Federal and for State.

I get from the parking lot of some the companies that I represent the check stubs from these workers. Americans will pick them up off the parking lot where they get torn off and left in

the wind to blow. I have manila envelopes full of these that have been kind of crinkled up, walked on, a little muddy, a little dusty. They are like an accordion in a manilla envelope.

I take those out and look through them. Check stub after check stub, not a dollar withheld for Federal income tax, not a dollar withheld for State income tax. Of course, the payroll tax has been paid. At least the names are not on those check stubs, and I don't recall if there are Social Security numbers on them. That's the kind of thing that's going on all over the country.

The taxes that are paid from sales tax, the contributions that go to property tax, yes, there is a tax contribution, but there is a tax evasion that's there, and it's obvious. To turn in no-match Social Security numbers and go to work under those standards is a standard practice. The AgJOBS component of this is amnesty. It does grant a pardon to immigration lawbreakers, and it does reward them with the objective of their crime, and it rewards an industry that's grown more and more dependent upon illegal labor.

You know, I understand that when you have got a crop in the field, you need to get that crop out. When you plan for this, you have to also plan for the labor. I also recognize that there has been a growth in the labor-intensive agriculture in this country, because there has been an easy and a steady and a ready supply of cheap, illegal labor to come in and do that work in the fields. So it's inhibited us from developing the machinery that we might otherwise develop to more mechanically plant the crop and harvest the crop and maintain that crop during the growing season and to transport it.

If the labor is cheap, you are not going to develop those things, you are not going to do the bioengineering that has been done with the tomato plant that makes it mechanically harvestable. I can make a more clear example that would be something like this.

I have a constituent, whom I have great respect for, that is a very modern agriculture producer. I believe he has at least a 16-row planter that he puts the crop in with in my part of the country. I also understand that he has bought land in Brazil where they raise cotton and soybeans. When I ask what kinds of chemicals he uses to control the weeds in the cotton, he says, ''I don't use any.'' I said, ''Well, how can you raise cotton without herbicide?''

Well, he says, ''I have 96 people, each with a hoe, that go down through the rows of cotton that hoe that cotton. When they get down to the other end, they turn around and they come back to the field in a different row.'' Ninety-six people paid $3 a day cultivate that cotton with a hoe.

Now, the only thing that has changed in that technique since the dawn of agricultural time was we have a metal hoe instead of perhaps a bone or a wooden hoe. That technology that has been there has been there for hundreds and hundreds of years. It hasn't moved an inch.

Same kind of thing down through those rows of cotton, chopping cotton with a hoe. That's what's going on from the same operation where you have a man who is a very modern person with the most modern equipment in the upper Midwest who markets his grain and does his purchases, very, very astute, on the Internet, professional in his field, very well respected, active in the professions that had to do with the ag industry. But when the economics dictate that you can hire 96 people with a hoe for $3 to $4 a day and it's cheaper than putting a machine out in the field where you put a man on the machine and you buy the fuel and provide the repairs and you have to buy some spray in order to kill the weeds in that cotton, when the math works out that stoop labor is cheaper than mechanized labor, that tells you something about what happens when labor is cheap. It slows the growth of our society. It slows the development of our society. It inhibits the development of our technology and puts us in a situation where we actually de-adopt the technology. You park the 16-row planter, that's only figuratively speaking, and you put the people in the field with the hoe. That's literally happening. It's not just happening there; it's happening on thousands and thousands of farms in the areas in the world where labor is cheap.

Our idea here in the United States is we don't have enough cheap labor. I would look back through history and challenge anywhere over here on the other side of the aisle to rise and ask if I will yield, I would be happy to yield, if you can give me an example, if you can give me a single example of a society, a culture or a nation that has failed or collapsed due to a lack of cheap labor. I would submit it's the other way around. Societies have been undermined from within because they didn't have enough higher education or technological background to keep up the paces or keep up with the times.

If you look at the States that are highly educated and highly skilled. They have the highest income, the highest average income. They have the highest household income. They are the most prosperous people. And this Nation should be about raising the average annual productivity of its people.

So one might submit, what are we going to do for the labor, how are we going to harvest, how are we going to harvest that lettuce if we don't have enough people who are willing to go down and pick that lettuce? How are we going to do the celery? How are we doing to go into the peppers, the strawberries, the tomatoes? We have that a little more mechanized now. How do we do all of that?

If everyone woke up tomorrow morning in the country where they can legally reside, not ICE doing their job, but if just miraculously that magic wand, poof, caused that to happen where Michael Chertoff didn't have that job any longer of providing the transportation to send people to a legal country, if that happened, what would then happen to the economy of this Nation?

□ 2115

And I hear scare stories coming out of the Wall Street Journal, out of Wall Street, out of, I don't know how to describe the words here, kind of a nouveau aristocracy in America that seems to think somehow they have a birthright to cheap labor and a birthright to somebody to take care of their lawn and their garden and their mansions, and that they will raise their children in a gated community and send them off to an Ivy League school, and so they'll never really be burdened by this growth of the lower class that they are promoting, and they think they have a birthright to that.

But I would submit this: that's not what America is about, Mr. Speaker. The strength of America has been an ever-broadening middle class, a middle class that's ever been more and more prosperous. We don't want to shrink this middle class. We don't want to suppress their growth and their improvement. We want to broaden the middle class and we want to lift it up.

And by the way, we don't want to expand the middle class, Mr. Speaker, from the ranks of the upper middle class. We want to expand the middle class from the ranks of the lower class. But for the first time in the memories of living Americans today, and maybe for the first time in the history of this country, we are seeing the lower class expand, the middle class shrink and the aspirations of middle-class Americans diminish.

Now, if we look at young people that grow up in Middle America that decide a college education is not for me, I just want to get my high school degree and go to work at the plant, punch the clock and earn a pretty good wage, maybe earn a living wage, and go home and take care of my family, my kids, play ball with the kids, cut the grass, go fishing, take time off on the weekends and live this life of this American Dream, buy a modest house and pay for it, send the kids to college if they want to go. Does any child that gets that high school degree and doesn't aspire to a higher education have a hope of being able to do those things in today's economy, Mr. Speaker? And I'll argue, it can be done. It's unlikely that it will happen, because the wages of the lower skilled and lower educated have been so suppressed by the ranks of illegals and unskilled lower skilled illegals who have come into this economy.

And I'm hearing from the people on Wall Street and in the Wall Street Journal that this country can't survive economically if we don't have that 12 to 20 million people to do this work that ''Americans'' won't do. All work Americans will do, and there's not a job in this country you can't find an

American doing it. Americans are doing all kinds of work in this country.

But here's the magnitude, and that is, there are 6.9 million working illegals, by the statistics that are put out by the people that do this analysis. That's 6.9 million out of about 12 million. That's the standard numbers we've been working with. I think it's more than 20 million, but this proportion works out in any case.

Out of the 6.9 million working illegals, that's part of, that's 4.7 percent of a work force that is 142 million. So 4.7 percent of 142 million, and if you do the math I think it comes out to 6.9 million. That's how many working illegals we have. Okay. That represents 4.7 percent of the work force. But they're only doing 2.2 percent of the work, Mr. Speaker, because we measure the annual output under the gross domestic product of our workers.

And because those who are here unlawfully working in this economy are, on average, lower educated and lower skilled, their production, even though they're 4.7 percent of the work force, is only 2.2 percent of the work, Mr. Speaker. And so if you have a work force that's doing 2.2 percent of the work, and let's just say it's a factory that has 1,000 people in it, everybody working diligently, and that factory does all their work in an 8-hour day, and you went to work as the CEO at 7:30 in the morning, sat down at your desk, and a memo hit your desk that said you're going to lose 2.2 percent of your work force today, they're not showing up.

Now, say that's at 7:30, and yet you need to meet your production quota by 5:00 that night when everybody clocks out. They clock in at 8. They clock out at 5. They need to get 1,000 widgets made that day, and you have to figure out how you're going to solve that problem as a CEO when 2.2 percent of your work doesn't show up. And I'll submit, here's the answer. Any CEO can figure this out easily. They'd sit down and do the math and say, well, we've got to get our production up. So people aren't going to show up till 8:00, that's all right. When they get here at 8:00 we're going to let them know that we're going to cut their coffee break in the morning by 5½ minutes. We're going to cut their coffee break in the afternoon by 5½ minutes. That adds up to 11 minutes out of the 8-hour day; 11 minutes out of an 8-hour day is 2.2 percent of the overall day.

And so the illegal work force in America, if you look at the United States as one huge macrocompany, and if that work force just stopped producing for that day, you would be losing 2.2 percent of that day's production. If we did all of our work in this country in an 8-hour day instead of a 24-hour day, that's 11 minutes out of 8 hours. And if it's a 24-hour day, you've got about a little over 3 minutes out of each shift is all that it amounts to.

I can't be convinced, Mr. Speaker, that this economy would come to a screeching halt if that happened to gradually drift away from us because the administration began gradually enforcing the law. I can't think that it's a cataclysmic event that would be, that would come falling down on this economy. I can't think it would slow us down. I believe, Mr. Speaker that we would recover in a heartbeat from that kind of a transition.

And that's presuming, Mr. Speaker, that that 2.2 percent of the work force that's being done by illegal labor is all essential work. And if we look across at some of that work, some people are taking care of lawns. Some garden. Some are cleaning the houses. There's work out there that we could find a way to recover from. Like somebody said to me, oh you want to enforce a law, but who is going to flip your steak? Who's going to cut your grass? Well, Mr. Speaker, I cut my own grass, and I flip most of my own steaks, and if I had to flip every one of my steaks to preserve the rule of law in America, I'd be very happy to do that.

That's really the essential pillar here that we're talking about with the immigration issue in the United States, and that is, what are you willing to do to preserve the most essential pillar of American exceptionalism, the rule of law? Are you willing to cut your own grass? Are you willing to flip your own steaks? Are you willing to shorten your coffee break up for a little while, by 5½ minutes, morning and afternoon, or 3 minutes a shift out of a 3-shift day if you're working 24/7? Are you willing to do those things? Would you notice the difference if you didn't? Would the nonessential work in the United States shrink if we didn't have economical illegal labor to do that work?

Mr. Speaker, if you bring me 100 people that will work for a dollar an hour, I guarantee you I can figure out a way to make a living with that. I can find a way to put them to work where they're going to return four, five or six or seven or $8 an hour to me. And so the cheaper labor gets, the more demand there is. And yet we have people that are considered otherwise to be wise, economic gurus who seem to, well, I will say just flat advocate that we should set the immigration flow into the United States, legalize all of those who would want to come here, legalize every willing traveler, Mr. Speaker, as long as there's a demand for their labor.

And I will submit that the more labor there is, the lower the price will be. The lower the price there is, the more demand there will be. Labor, Mr. Speaker, is a commodity like any other commodity in that the value of it is determined by supply and demand in the marketplace. Labor is a commodity. Corn, beans, gold, oats, crude oil, you name it, Mr. Speaker, you name it, they're all commodities. And the value of those commodities are determined by supply and demand in the marketplace. Corn's up, beans are up. Can't get the cotton out of the field, I heard in the previous Special Order. It's not worth bringing it out I guess if the price is that low, according to Mr. SPRATT. But the value of labor will be determined by the supply and demand, what the market will bear.

And so if we flood this economy with low-skilled labor, as we have, we will see unemployment rates in the lower-skilled ranks, the lower-skilled jobs go up, as we have. Unemployment rates of over 10 percent in some of the lowest-skilled jobs. Those rates go up. And that shouldn't be a surprise to any of us.

But it might be a surprise to some of the elitists who have a different view of this country than I have. I grew up in Middle America, small town and rural America, a place where we understand the value of hard work, a place where our parents, our grandparents, our ancestors, if they were here in this country long enough, goes back always to drive a stake out in the ground and homestead the land and make your living out of that and start your business and grow your community and your family and your churches and work with your neighborhoods and make this place a better place than it was when you came, and earn that with the sweat of your brow, and work hard, but work smart and build for the future generations.

That's the roots that I represent from the middle part of America. We respect hard work. We respect honesty. We respect integrity. We respect the values of faith and family. And yet we are sons and daughters of immigrants. And, in fact, I remember walking into a community building in one of the small towns that I represent, and this is a very German community. There were about 400 to 450 people in there for a benefit auction for a friend of mine. And I began to ask the question, how many people in here grew up in a German-speaking home or else their parents did? It was almost everyone in that building, and yet they fly the flag, they are some of the most self-sacrificing patriots this country has produced. They understand these American values and they understand the rule of law. They came here legally. They have great pride that they have adapted themselves to the American society and culture and prospered and handed to their children and their grandchildren the things they dreamed for their children and grandchildren, but in a society that was not just intact with the rule of law with respect for the rule of law, but one that was actually strengthened by their adherence and respect for the rules and for the law.

And here we are, in my opinion, the central pillar of American exceptionalism is the rule of law. If we don't respect the laws of this country, then what foundation have we?

And I will always make the argument that our rights come from God, and that they're passed through the hands and the minds of our Founding Fathers

who, I believe, were guided, they were guided by God to put down for us the parameters of this free Nation to be a guiding light for the freedom for the world. And who are we to trail in the dust the golden hopes of men if we aren't willing to defend this rule of law, this rule of law that preserves our property rights, our freedom of speech, religion, press, assembly, all of the freedom from double jeopardy and the list of all of those rights that were in the Bill of Rights. Who are we to trail that all in the dust because what, because we have an emotion that overcomes our intellect, because we've severed ourselves from the thing that we've inherited from the Greeks, the age of reason.

We've lost our reason and lost our way if we believe that a good name for a bad bill supersedes the rule of law. The DREAM Act is a good name. I wish I'd thought of that. I'd have stuck it on something too, only it would have been a good bill underneath the title. This is not a good bill under the DREAM Act. This is a bill that directly undermines the rule of law. It rewards law breakers, Mr. Speaker, and when we do that, we can't hope to sustain the rule of law in America any longer. If we have 12 million, 20 million people who are granted amnesty, maybe under the DREAM Act it's only a million for starters. That will grow, and the chain migration will grow from that, and your one million could conceivably and I don't think literally it could happen but it could conceivably go out to more than 200 million.

That's how the stats map it out. And we know that's pretty unlikely that it would go that far. But if it's one million people going to 2 million or 3 million under the DREAM Act and we grant amnesty there, and then we have the AgJOBS component of this that grants amnesty to people who are here illegally, working illegally for about 1.5 million for starters, and then, we work with this myopic idea that if there's a demand, that must indicate how many we need, even though the more cheap labor you have, the more demand there will be for more cheap and cheaper labor. And it makes a simple economic equation. The unions used to understand this, Mr. Speaker. They used to understand that they wanted a tight labor supply. And so I'll go back to that.

But the DREAM Act is a bad bill that grants amnesty for a million or more people that would do the chain migration for their families, attract more, and more would be signed up.

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By the way, there is no cap on this. There is no deadline. The way this bill is written, applications for in-State tuition discounts, special super citizenship rights for illegal aliens goes on and on. It never ends. It isn't that just the people that are here right now today, but it's the people that would forever apply. So the number clearly is over a million. And 2 million, 3 million, 5 million, we know how these things go. It always gets out of hand. It's 1½ million under AgJOBS, those who have been working illegally in our fields. But that 1½ million is for starters and it goes on and on. And when we get to the full amnesty package that the Senate three times has voted down now and now wants to give us the components of their amnesty plan, their comprehensive amnesty bill, one bitter pill at a time, things that have bad bills with good names, slip them to us one at a time, put them in a package into the Senate and send them over there in a must-pass bill. Plan that strategy, and as this amnesty number grows from a million under the DREAM Act, 1½ million under the AgJOBS piece to the next component and the next component and the next component of amnesty, and we end up granting, as the Senate advocated, a comprehensive amnesty plan to not 6.9 million or 12 million, but everyone who is here illegally right now. That number some say is 12 million. I think it is more than 20 million. We grant amnesty to them, and they will do as those recipients of the 1986 amnesty bill did. They will be the strongest advocates for another amnesty plan.

And if you will notice, no one here in the House of Representatives, Mr. Speaker, and no one over across the Rotunda to the United States Senate has said, well, this comprehensive amnesty plan is an amnesty to end all amnesties. They haven't said that. First, they are still in denial about it being amnesty, and yet not one of them will define amnesty unless they have found a way to define it around where their bill is exempted, but it isn't an objective definition. They won't stand up and tell you to grant amnesty is to pardon immigration lawbreakers and reward them with the objective of their crimes. But those 12 or 20 million would be advocating the same way that the 1 million who were to be the recipients of the amnesty to end all amnesties in 1986 that turned out to be more like 3 million who were the recipients of the 1986 amnesty. They were advocates of more amnesty. They say, well, that's been good for me and it's been good for my family, so we need more of that. And all of them who advocate for more amnesty are undermining the rule of law.

And they are a smaller number by comparison. It started out by being 1 million. It turned out to be 3 million or more. The 2 million difference was mostly fraud, counterfeit documents, people that came in here and took advantage of the sympathetic nature of the American people. And so with 3 million advocates for amnesty, 2 million of them beneficiaries of fraud, and 1 million were actually the target of the 1986 amnesty bill that Ronald Reagan at least had enough integrity to declare it to be the amnesty bill to end all amnesties, they have been advocates for more amnesty.

Imagine what 20 million beneficiaries of an amnesty would be. A mass lobbying group for family reunification, chain migration. Bring in your unlimited number of family members directly in here under that path and then have them all. Not just those who received amnesty but those who were beneficiaries of the chain migration from those who received amnesty. They turn into the tens of millions and perhaps more, maybe more than 100 million and on up who have little respect for the rule of law, who have been rewarded for breaking the law, who have now come to believe that if a law is inconvenient and enough other people don't respect and honor that law, eventually Congress will capitulate and change the law to accommodate your behavior.

That is no kind of a Nation to have; not when you have a Nation like this Nation, the unchallenged greatest Nation in the world. We are beneficiaries of the sacrifice and the vision of our Founding Fathers, and we are charged with defending those values and handing this country over to the next generation in better condition than when we found it. Not worse. Not digressing into anarchy where the law is disrespected and where it has no value and no teeth. Not turning us into a class envy society. Not turning us into a society where we are pitted against each other, a society of victimology. Not that. Not a society where we point our finger at people and call them names rather than make an empirical argument. We need to be rational human beings. We're the beneficiaries of the Age of Reason in Greece where they actually built a culture around the idea that they could think rationally and connect their thoughts in a rational fashion and defend the conclusions that they had drawn by the sequence of the deductive reasoning that got them there. That is a foundation for our science, the theorem, the hypotheses, a number of other approaches to Western thought that was founded in the Greek society 2 and 3,000 years ago that found its way across through Europe and had a pretty good stay in France during the Age of Enlightenment. And as the Western civilization, the core of it, the dynamic moving force rolled out from France in the Age of Enlightenment over into the United States and arrived here at a time when we had a continent that was just begging to be settled, full of natural resources, and a free enterprise economy with property rights and low and sometimes no taxation and low and often no regulation, and we had a people that set about the manifest destiny to settle this continent from the Atlantic to the Pacific ocean and did so in record time, in an historical blink of an eye. We were able to do many of those things because we had also learned the talents and the skills and had built within our culture that ability to deductively reason.

And today we have people who emote, people who feel. We have college professors who teach their students never say anything except ''I feel'' or you can say ''I believe,'' but if you say ''I think this,'' your thoughts can be challenged, but your feelings cannot. So I feel, and then someone will tell you I feel we should pass the DREAM Act. I feel we should pass AgJOBS because I feel for the beneficiaries of this program. And, by the way, I feel that we need more cheap labor in this country, and I feel that food would be more expensive, and I feel that there is work Americans won't do, and I feel we ought to bring people in here or those who came here in here and legalize them because they will do the work that Americans won't do. So in the end, even though there isn't any data out here that supports my irrational feelings, I just feel this, and therefore you ought to follow my feelings.

How can a Nation, Mr. Speaker, how can a Nation meet the challenges of this global, modern 21st Century if we are going to be guided by these feelings that trump rational thought and empirical data?

I will submit, Mr. Speaker, that one of the foundations, one of the pillars of American exceptionalism, the central pillar is the rule of law, but one of the pillars is this culture, this unique American culture was the recipient of the work of the Age of Reason from the Greeks and a recipient of the enlightenment from Western Europe and primarily from France that came here at the dawn of the Industrial Revolution with all the natural resources. And we grew this Nation, yes, on a Christian-Judeo foundation, a work ethic, called a Protestant work ethic until they found out that Catholics did pretty well with that work ethic too. We understand some of the things that made this a great Nation. But letting our feelings rule our thoughts is not one of those pillars of American exceptionalism. That is an example of American intellectual weakness, that we can't confront these issues with our minds, with our reason, with our data, because with that data we can see where this can take us.

The DREAM Act, the act that grants in-State tuition discount to people who are eligible for deportation. Now, I just cannot rationally get to a conclusion that that is the best way that we can spend taxpayers' money or send a message to the broader society. I believe we need to adhere to the rule of law. I believe we need to stand on the rule of law, and we need to enforce the rule of law. And it needs to be respected by the States, the States like California and Kansas and about eight others who have decided to defy the Federal law and grant in-State tuition discounts to illegals within their State institutions but charge out-of-State tuition premiums to the residents of other States who might want to go to UC Berkeley or the University of Kansas or a number of other schools within those two States and eight other States that are defying Federal law. And we are still taking this through the courts. And the DREAM Act, Mr. Speaker, invalidates all lawsuits that have been brought forward to enforce the Federal law which establishes the requirement that these States grant the same tuition discount to residents of other States that they might to illegal aliens in the desks in their own schools in their own States.

AgJOBS, another amnesty plan. AgJOBS says if you worked in this country and worked in agriculture, worked for the preponderance of, and that is my word, not the bill's word, 5 years, we are going to grant you provisional legal status here in the United States. Legal status under the DREAM Act, legal status under the AgJOBS act. You add them up, and by their numbers, that's 2½ million who get amnesty. They won't call it amnesty, obviously, Mr. Speaker. But we know those numbers would be significantly larger.

And then when one grants the special status, the special conditional legal residence in the United States to these people, what's the argument to deny it to anyone else? What's the argument to deny a reward of the objective of their crimes to all who have broken immigration laws except perhaps those who are convicted felons and those who have conducted themselves in otherwise abhorrent fashion?

This is irrational, Mr. Speaker. The American people often don't understand what this legislation is. That's why there is such a concerted effort to strategize on how we name a bill here in this Congress, how this bill is named, because that is all that people hear is the name of the bill. They don't get to read it. Most Members don't read the legislation that comes through this place. But the public doesn't read the bill, and if they did, they don't really have the opportunity to examine the components of it. So to critique the legislation, they have to rely on somebody else. So the practice is give it a nice sounding name, and then when I do my press conferences and talk to the press, they will ask me, Here's a list of one, two, three, four, five really nice sounding pieces of legislation. You voted against all five of them, Mr. KING. Why did you do that? And my answer is it is a nice sounding title, but it is a horrible bill. And you will see that happen often, especially since the gavels have changed hands in here in the 110th Congress, Mr. Speaker.

So I reiterate to you and to the people that are overhearing this conversation that we must draw the line. We need to pick up the phones and call the United States Senate again. We need to shut down their telephones in the switchboards in the United States Senate and tell them we don't want a DREAM Act. We need that killed in the United States Senate. We need to cease this amnesty. We need to preserve the central pillar of American exceptionalism, the rule of law.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Mr. HOYER) for today and October 22 on account of a death in the family.

Mr. POE (at the request of Mr. BOEHNER) for today until 2 p.m. on account of official business.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today until 4 p.m. on account of family illness.

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. SARBANES) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. KILPATRICK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. THOMPSON of Mississippi, for 5 minutes, today.

Mr. AL GREEN of Texas, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

(The following Members (at the request of Mr. WALDEN of Oregon) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today.

Mr. RYAN of Wisconsin, for 5 minutes, today.

Mr. POE, for 5 minutes, October 30.

Mr. DAVIS of Kentucky, for 5 minutes, October 25.

Mr. JONES of North Carolina, for 5 minutes, October 30.

Mr. BILIRAKIS, for 5 minutes, October 24.

BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 23, 2007, she presented to the President of the United States, for his approval, the following bill.

H.R. 1495. Water Resources Development Act of 2007.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 24, 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:

3823. A letter from the Deputy Under Secretary for Logistics and Material Readiness, Department of Defense, transmitting a report on the Deprtment's Program for Planning, Managing, and Accounting for Civilian Contractor Services and Contractor Personnel during Contingency Operations, pursuant to Public Law 109-364, section 815; to the Committee on Armed Services.

3824. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting an interim report on the activities of a working group tasked with identifying the needs of National Guard and Reserve Members Returning From Deployment In Operation Iraqi Freedom or Operation Enduring Freedom, pursuant to Public Law 109-364, section 676; to the Committee on Armed Services.

3825. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

3826. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 42(b) of the Arms Export Control Act, notification that the Government of Egypt has requested that the United States Government permit the use of Foreign Military Financing for the sale and limited coproduction of 125 M1A1 Abrams Tank kits; to the Committee on Foreign Affairs.

3827. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Thailand (Transmittal No. RSAT-03-07); to the Committee on Foreign Affairs.

3828. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Republic of Korea (Transmittal No. DDTC 087-07); to the Committee on Foreign Affairs.

3829. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Governments of Denmark, the Netherlands, and Belgium (Transmittal No. DDTC 052-07); to the Committee on Foreign Affairs.

3830. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 080-07); to the Committee on Foreign Affairs.

3831. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of defense equipment to the Government of Australia (Transmittal No. DDTC 050-07); to the Committee on Foreign Affairs.

3832. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

3833. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3834. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3835. A letter from the Assisant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3836. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting the Administration's third quarter committee report for Fiscal Year 2007, including a summary income and expense statement to cover the period October 1, 2006 through June 30, 2007, pursuant to Public Law 106-58; to the Committee on Oversight and Government Reform.

3837. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3838. A letter from the Administrator, Small Business Administration, transmitting the Administration's strategic plan for fiscal years 2008 through 2013 in compliance with the Government Performance and Results Act of 1993 (GPRA); to the Committee on Oversight and Government Reform.

3839. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2007 through September 30, 2007 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 110-67); to the Committee on House Administration and ordered to be printed.

3840. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Ceanothus ophiochilus (Vail Lake ceanothus) and Fremontodendron mexicanum (Mexican flannelbush) (RIN: 1018-AU77) received September 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3841. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations (RIN: 1018-AV12) received September 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3842. A letter from the Assistant Secretary for Fish and Wlidlife and Parks, Department of the Interior, transmitting the Department's final rule — Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds (RIN: 1018-AV12) received September 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3843. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Indiana Regulatory Program [Docket No. IN-156-FOR, Administrative Cause No. 06-046R] received October 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3844. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-251-FOR] received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3845. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 061020273-7001-03] (RIN: 0648-XC05) received September 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3846. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2007 Summer Period [Docket No. 061020273-6321-02] (RIN: 0648-XC70) received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3847. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC90) received October 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3848. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC91) received October 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3849. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC88) received October 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3850. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC89) received October 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3851. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic Region; Closure

[Docket No. 060525140-6221-02] (RIN: 0648-XC83) received October 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3852. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — 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 [Docket No. 070213033-7033-01] (RIN: 0648-XC56) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3853. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — 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 [Docket No. 070213032-7032-01] (RIN: 0648-XC47) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3854. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC22) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3855. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Coast Groundfish Fishery [Docket No. 070323069-7117-02; I.D. 031907A] (RIN: 0648-AV46) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3856. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea/Aleutian Islands Fishery Resources; American Fisheries Act Sideboards [Docket No. 0612242886-7464-03; I.D. 041307D] (RIN: 0648-AU68) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3857. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Allocations in the Bering Sea and Aleutian Islands Management Area [Docket No. 0612242903-7445-03; I.D. 112006I] (RIN: 0648-AU48) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3858. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XC55) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3859. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XC55) received October 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3860. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2007, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GEORGE MILLER of California (for himself, Mr. MCKEON, Mr. HINOJOSA, and Mr. KELLER):

H.R. 3927. A bill to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor. considered and passed.

By Mr. MURPHY of Connecticut (for himself, Mr. WELCH of Vermont, Mr. WAXMAN, Mr. LYNCH, Mr. MCDERMOTT, Mr. BRALEY of Iowa, Mr. HODES, Mr. HALL of New York, and Mr. OLVER):

H.R. 3928. A bill to require certain large government contractors that receive more than 80 percent of their annual gross revenue from Federal contracts to disclose the names and salaries of their most highly compensated officers, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. MCGOVERN (for himself, Mr. DELAHUNT, Mr. FILNER, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. ZOE LOFGREN of California, Mr. KUCINICH, Mr. SHAYS, Mr. WOLF, Ms. WOOLSEY, Mr. SCHIFF, Mr. VAN HOLLEN, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. ROTHMAN, and Mr. CAPUANO):

H.R. 3929. A bill to amend titles 23 and 49, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PEARCE:

H.R. 3930. A bill to provide for a land exchange involving State land and Bureau of Land Management land in Chavez and Dona Ana Counties, New Mexico, and to establish the Lesser Prairie Chicken National Habitat Preservation Area, and for other purposes; to the Committee on Natural Resources.

By Mr. BAKER (for himself, Mr. HENSARLING, and Mr. ROYCE):

H.R. 3931. A bill to protect investors by fostering transparency and accountability of attorneys in private securities litigation; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, 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. BERRY (for himself, Mr. HINCHEY, Mr. FARR, Mr. WAXMAN, Mr. WEXLER, Ms. LINDA T. SÁNCHEZ of California, Mr. KANJORSKI, Mr. MCNULTY, Mr. TIERNEY, Mr. BISHOP of New York, Mr. NADLER, Mr. MARSHALL, Mr. SERRANO, Mr. HALL of New York, and Ms. SCHAKOWSKY):

H.R. 3932. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CLARKE:

H.R. 3933. A bill to amend the Internal Revenue Code of 1986 to permanently extend the election to include combat pay as earned income for purposes of the earned income tax credit and penalty-free distributions from retirement plans to individuals called to active duty, and for other purposes; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. BRADY of Texas, Ms. BEAN, Mrs. BIGGERT, Ms. BERKLEY, Mr. BOOZMAN, Mr. BLUMENAUER, Mr. CARTER, Mr. BOREN, Mr. CONAWAY, Mrs. BOYDA of Kansas, Mr. ENGLISH of Pennsylvania, Mr. CAPUANO, Mr. FORTUÑO, Mr. CLAY, Mr. GARRETT of New Jersey, Mr. CUELLAR, Mr. SAM JOHNSON of Texas, Mr. HASTINGS of Florida, Mr. MARCHANT, Mr. MARKEY, Mr. LEWIS of Kentucky, Ms. HOOLEY, Mr. MCCAUL of Texas, Mr. MATHESON, Mrs. MYRICK, Mr. MCDERMOTT, Mr. WELLER, Mr. MEEKS of New York, Mr. GALLEGLY, Mr. RODRIGUEZ, Mr. TIAHRT, Mr. TOWNS, Mr. MORAN of Kansas, Mr. MORAN of Virginia, Mr. ROSKAM, Mr. MOORE of Kansas, and Mr. BUTTERFIELD):

H.R. 3934. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois:

H.R. 3935. A bill to extend the time limit of the authority of the Frederick Douglass Gardens, Inc., to establish a memorial and gardens on Department of the Interior lands in the District of Columbia or its environs in honor and commemoration of Frederick Douglass, and for other purposes; to the Committee on Natural Resources.

By Mr. DEAL of Georgia:

H.R. 3936. A bill to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the ''Sgt. Jason Harkins Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. DELAURO:

H.R. 3937. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure the safety of imported food; to the Committee on Energy and Commerce.

By Mr. DINGELL:

H.R. 3938. A bill to repeal the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243) and to require the withdrawal of the United States Armed Forces in Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, 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. DOOLITTLE (for himself and Mr. SALAZAR):

H.R. 3939. A bill to increase the safety for crew and passengers on an aircraft providing emergency medical services; to the Committee on Transportation and Infrastructure.

By Mr. ELLISON (for himself, Ms. MCCOLLUM of Minnesota, Mr. OBERSTAR, Mr. WALZ of Minnesota, and Mr. PETERSON of Minnesota):

H.R. 3940. A bill to amend the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce.

By Mr. FLAKE (for himself, Mr. WAMP, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. WALBERG, Mr. HENSARLING, Mr. FRANKS of Arizona, and Mr. TOWNS):

H.R. 3941. A bill to amend title 23, United States Code, to authorize a State that has a structurally deficient bridge within its boundaries to obligate funds made available to carry out a high priority project for any project or activity eligible for assistance under title 23, United States Code; to the Committee on Transportation and Infrastructure.

By Mr. FRANK of Massachusetts:

H.R. 3942. A bill to amend title XVIII of the Social Security Act to permit the disabled surviving spouse of an individual to elect to retain private health insurance as the primary payor of health insurance benefits under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. BRADY of Texas, Mr. WELLER, Mr. RAMSTAD, Mr. RYAN of Wisconsin, Mr. TIBERI, Mr. NUNES, and Mr. SAM JOHNSON of Texas):

H.R. 3943. A bill to amend the Trade Act of 1974 to reauthorize the trade adjustment assistance for workers program, and for other purposes; to the Committee on Ways and Means.

By Mr. HONDA (for himself, Mr. DENT, Mr. SCHIFF, Mr. MCNULTY, Mr. TOWNS, and Mr. GERLACH):

H.R. 3944. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, education, research, and medical management program that will lead to a marked reduction in liver cirrhosis and a reduction in the cases of, and improved survival of, liver cancer caused by chronic hepatitis B infection; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 3945. A bill to provide for the establishment by the Secretary of Energy of a program of Federal support for local governments and school districts to implement clean energy projects; to the Committee on Education and Labor.

By Mr. JEFFERSON (for himself, Mr. MELANCON, Mr. SCOTT of Virginia, Mr. DAVIS of Illinois, Mr. PAYNE, and Ms. CLARKE):

H.R. 3946. A bill to provide for a temporary waiver under part B of title III of the Higher Education Act of 1965 for undergraduate historically black colleges and universities located in an area affected by a Gulf hurricane disaster; to the Committee on Education and Labor.

By Mr. LARSON of Connecticut (for himself, Mr. CAMP of Michigan, Mrs. MCCARTHY of New York, Mr. BURTON of Indiana, Mr. ENGLISH of Pennsylvania, Mr. FRANKS of Arizona, Mr. LEWIS of Kentucky, Mr. PAUL, Mr. RAMSTAD, Mr. SESTAK, and Mr. SOUDER):

H.R. 3947. A bill to amend the Internal Revenue Code of 1986 to provide for a carryforward of unused benefits in health flexible spending arrangements; to the Committee on Ways and Means.

By Mr. OBEY (for himself, Mr. MURTHA, Mr. MCGOVERN, Ms. MCCOLLUM of Minnesota, Ms. BALDWIN, Mr. STARK, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, and Mr. ELLISON):

H.R. 3948. A bill to amend the Internal Revenue Code of 1986 to establish a temporary surtax to offset the current costs of the Iraq war; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 3949. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits to be produced in dwelling houses, other connected structures, and certain other premises; to the Committee on Ways and Means.

By Mr. TANCREDO:

H.R. 3950. A bill to approve a final rule of the Department of Homeland Security relating to employers who receive a ''no-match'' letter from the Commissioner of Social Security; to the Committee on the Judiciary, 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 Mr. WICKER (for himself and Mr. TIM MURPHY of Pennsylvania):

H. Res. 766. A resolution supporting the goals and ideals of National Infection Prevention Week; to the Committee on Energy and Commerce.

By Mr. BOEHNER:

H. Res. 767. A resolution raising a question of the privileges of the House.

By Ms. SHEA-PORTER:

H. Res. 768. A resolution honoring the life of Thomas ''Tommy'' Makem; to the Committee on Education and Labor.

By Ms. FOXX (for herself, Mr. KUHL of New York, Mr. WHITFIELD, Mr. GUTIERREZ, and Mr. COHEN):

H. Res. 769. A resolution congratulating the government and people of Turkey as they celebrate Republic Day, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PORTER (for himself, Mr. BOEHNER, Mr. HOYER, Mr. KIND, Ms. WASSERMAN SCHULTZ, and Mr. WAMP):

H. Res. 770. A resolution expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our nation in times of war and conflict; to the Committee on Veterans' Affairs.

By Mr. SENSENBRENNER:

H. Res. 771. A resolution supporting the goals and ideals of Down Syndrome Awareness Month; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. ALEXANDER.
H.R. 71: Mr. KLINE of Minnesota.
H.R. 82: Mrs. MYRICK.
H.R. 92: Mr. MARSHALL.
H.R. 138: Mr. TERRY.
H.R. 275: Mr. WU and Mr. BURTON of Indiana.
H.R. 460: Mr. TOWNS.
H.R. 491: Mr. MCCOTTER.
H.R. 579: Mr. WALDEN of Oregon.
H.R. 601: Mr. DAVID DAVIS of Tennessee.
H.R. 621: Mr. SALI.
H.R. 636: Mr. DUNCAN.
H.R. 718: Mr. MCHENRY.
H.R. 725: Mr. SMITH of Nebraska.
H.R. 758: Mr. ROGERS of Michigan.
H.R. 826: Mr. FORBES.
H.R. 829: Mr. MCHUGH.
H.R. 854: Mr. JACKSON of Illinois.
H.R. 887: Mr. AL GREEN of Texas.
H.R. 891: Mr. BARTLETT of Maryland and Mr. BROWN of South Carolina.
H.R. 897: Mr. LANTOS, Mr. BISHOP of New York, Ms. MATSUI, and Mr. VAN HOLLEN.
H.R. 926: Mr. KLINE of Minnesota.
H.R. 953: Mr. ENGLISH of Pennsylvania.
H.R. 1014: Mr. FORTUÑO and Mr. SERRANO.
H.R. 1074: Mr. ALLEN.
H.R. 1078: Mr. FATTAH, Mrs. DAVIS of California, Mr. GEORGE MILLER of California, and Mr. BRADY of Pennsylvania.
H.R. 1092: Mr. CUMMINGS and Mr. HONDA.
H.R. 1188: Ms. SUTTON.
H.R. 1198: Mrs. MALONEY of New York.
H.R. 1216: Ms. BALDWIN.
H.R. 1279: Mr. MANZULLO, Mr. WEXLER, Ms. LINDA T. SÁNCHEZ of California, Mr. WYNN, Mr. MARCHANT, Mr. COURTNEY, Mr. HASTINGS of Florida, and Mr. WILSON of South Carolina
H.R. 1283: Mr. GONZALEZ and Mr. MILLER of North Carolina.
H.R. 1295: Mr. BOOZMAN.
H.R. 1320: Mr. WALSH of New York.
H.R. 1352: Mr. TOWNS, Ms. HIRONO, and Mr. SHAYS.
H.R. 1353: Mrs. BOYDA of Kansas.
H.R. 1363: Mr. MARKEY, Mr. ABERCROMBIE, Ms. CASTOR, Mr. LYNCH, and Mr. WELCH of Vermont.
H.R. 1386: Ms. HARMAN, Mr. FILNER, Mr. ALLEN, Mr. SALAZAR, and Mr. CASTLE.
H.R. 1422: Mr. WALZ of Minnesota and Mr. FRANK of Massachusetts.
H.R. 1428: Mr. WALDEN of Oregon.
H.R. 1497: Mr. VAN HOLLEN and Ms. MATSUI.
H.R. 1570: Mr. LATHAM.
H.R. 1576: Mr. BRALEY of Iowa, Mr. GEORGE MILLER of California, Mr. LATHAM, and Mr. MCINTYRE.
H.R. 1609: Mr. ROSS, Mr. DENT, Ms. LEE, and Mr. WELLER.
H.R. 1621: Mr. BRADY of Pennsylvania.
H.R. 1746: Mr. SHERMAN.
H.R. 1772: Mr. CLAY.
H.R. 1820: Mr. PASTOR and Mr. SHAYS.
H.R. 1834: Mr. ROTHMAN.
H.R. 1843: Mr. SESTAK and Mr. SIMPSON.
H.R. 1971: Ms. SOLIS.
H.R. 2021: Mrs. CHRISTENSEN, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. SIRES, and Mr. CARNEY.
H.R. 2045: Mr. MCNULTY, Mr. BRALEY of Iowa, and Mr. TOWNS.
H.R. 2049: Mrs. MCCARTHY of New York and Ms. CLARKE.
H.R. 2066: Mr. SERRANO.
H.R. 2165: Ms. BALDWIN.
H.R. 2188: Mr. COOPER.
H.R. 2233: Mrs. CHRISTENSEN, Mr. ABERCROMBIE, and Mr. FILNER.
H.R. 2236: Mr. SNYDER.
H.R. 2343: Mr. COOPER.
H.R. 2365: Mr. HOBSON.
H.R. 2406: Ms. WOOLSEY, Ms. GIFFORDS, Mr. MILLER of North Carolina, Mr. ROTHMAN, Mr. LAMPSON, Mr. BAIRD, Mr. ROSS, Mr. KANJORSKI, and Mr. MELANCON.
H.R. 2417: Mr. SESTAK.
H.R. 2464: Mr. TOWNS, Mr. BARROW, Mr. DAVID DAVIS of Tennessee, and Ms. CASTOR.
H.R. 2514: Mr. MILLER of North Carolina and Ms. WASSERMAN SCHULTZ.
H.R. 2567: Mr. SARBANES.
H.R. 2580: Mr. COLE of Oklahoma.
H.R. 2606: Mr. HASTINGS of Florida, Mr. ENGLISH of Pennsylvania, Mr. HINOJOSA, and Mr. MOORE of Kansas.
H.R. 2694: Mr. AL GREEN of Texas and Mr. MCGOVERN.
H.R. 2744: Mr. CAPUANO, Mr. BACA, and Mr. DOYLE.
H.R. 2802: Ms. MATSUI.
H.R. 2818: Mr. BRADY of Texas.
H.R. 2821: Mr. HASTERT.
H.R. 2840: Mr. DOGGETT.
H.R. 2894: Mr. WOLF.
H.R. 2905: Mr. ALTMIRE.
H.R. 2915: Ms. ZOE LOFGREN of California.
H.R. 2933: Mr. BARROW, Mr. BOOZMAN, Mr. HAYES, and Mr. ROTHMAN.

H.R. 2942: Ms. SOLIS.
H.R. 2949: Mr. SHERMAN.
H.R. 2951: Mr. AL GREEN of Texas and Ms. KILPATRICK.
H.R. 2994: Mr. GORDON, Mr. HINCHEY, and Mr. MARSHALL.
H.R. 3012: Mr. LUCAS and Mr. MANZULLO.
H.R. 3026: Mr. BURTON of Indiana and Mr. SKELTON.
H.R. 3042: Mrs. CUBIN and Ms. HERSETH SANDLIN.
H.R. 3045: Mr. BISHOP of New York, Mr. FRANK of Massachusetts, Ms. DELAURO, Mr. DAVIS of Illinois, Mr. FARR, Mr. BLUMENAUER, Mr. KUCINICH, Mr. WEXLER, Mr. HASTINGS of Florida, and Mr. SERRANO.
H.R. 3053: Ms. JACKSON-LEE of Texas, Mr. SALAZAR, and Mr. CLAY.
H.R. 3058: Mr. REICHERT, Mr. HASTINGS of Washington, Mr. HERGER, Mr. BISHOP of Utah, Mr. MICHAUD, and Mr. DOOLITTLE.
H.R. 3119: Mrs. MALONEY of New York.
H.R. 3167: Ms. WATSON and Mr. HILL.
H.R. 3204: Mr. AL GREEN of Texas and Mr. STARK.
H.R. 3219: Mr. ROTHMAN.
H.R. 3298: Mr. BLUMENAUER.
H.R. 3326: Mr. ORTIZ and Mr. GORDON.
H.R. 3329: Mr. SIRES.
H.R. 3334: Mr. SESTAK.
H.R. 3348: Mr. SESSIONS, Mr. CARTER, Ms. GRANGER, Mrs. CUBIN, and Mrs. MYRICK.
H.R. 3429: Mr. KAGEN and Mr. PETERSON of Minnesota.
H.R. 3461: Mr. ROSS, Ms. SCHAKOWSKY, Ms. WASSERMAN SCHULTZ, Mr. YARMUTH, and Ms. MATSUI.
H.R. 3484: Mr. GRIJALVA and Ms. DELAURO.
H.R. 3485: Mr. HALL of New York, Ms. ZOE LOFGREN of California, Ms. BORDALLO, and Ms. DELAURO.
H.R. 3533: Mrs. EMERSON and Mr. MARSHALL.
H.R. 3541: Ms. HOOLEY.
H.R. 3543: Mr. THOMPSON of Mississippi and Mr. SAXTON.
H.R. 3548: Mr. HILL, Mr. EMANUEL, and Mr. MAHONEY of Florida.
H.R. 3582: Mr. WAXMAN.
H.R. 3609: Ms. WOOLSEY.
H.R. 3629: Mr. WALZ of Minnesota.
H.R. 3631: Mr. LIPINSKI, Mr. COURTNEY, Ms. ZOE LOFGREN of California, and Ms. SCHAKOWSKY.
H.R. 3633: Mr. CARNAHAN.
H.R. 3641: Mr. PAUL.
H.R. 3654: Mr. LARSEN of Washington, Mr. CROWLEY, Mr. UDALL of Colorado, Ms. BEAN, Mr. DONNELLY, Ms. HERSETH SANDLIN, Ms. GIFFORDS, and Mr. PLATTS.
H.R. 3660: Mr. ROYCE, Mr. MCNERNEY, and Mr. BARTLETT of Maryland.
H.R. 3663: Mr. TIERNEY, Mr. FILNER, Ms. SCHAKOWSKY, and Mr. FRANK of Massachusetts.
H.R. 3680: Mr. PAUL, Mr. INSLEE, and Ms. HERSETH SANDLIN
H.R. 3684: Mr. SHULER.
H.R. 3691: Mr. STARK and Mr. SESTAK.
H.R. 3697: Mr. OBERSTAR and Mr. KANJORSKI.
H.R. 3700: Mr. MCGOVERN.
H.R. 3705: Mr. GRIJALVA and Mr. COHEN.
H.R. 3724: Mr. JEFFERSON.
H.R. 3725: Mr. CAMPBELL of California and Mr. FEENEY.
H.R. 3757: Mr. BAIRD.
H.R. 3758: Ms. GIFFORDS.
H.R. 3779: Mr. GARRETT of New Jersey.
H.R. 3780: Mr. COHEN.
H.R. 3781: Mr. SKELTON.
H.R. 3784: Ms. LEE.
H.R. 3793: Mr. HINCHEY, Mr. KIND, Mr. BOYD of Florida, Mr. LOBIONDO, Mr. HILL, Mr. MATHESON, Mr. HIGGINS, and Mr. SALAZAR.
H.R. 3796: Mr. HARE, Mr. SARBANES, Ms. LINDA T. SÁNCHEZ of California, and Ms. HIRONO.
H.R. 3797: Ms. SCHWARTZ and Mr. OLVER.
H.R. 3810: Mr. ARCURI, Mr. HINCHEY, Mrs. MCCARTHY of New York, Mr. MCHUGH, Mr. MCNULTY, and Mr. CONAWAY.
H.R. 3815: Mr. BRADY of Pennsylvania.
H.R. 3816: Mr. BRADY of Pennsylvania.
H.R. 3818: Mr. JORDAN, Mr. DUNCAN, and Mr. GALLEGLY.
H.R. 3827: Mr. BRADY of Pennsylvania.
H.R. 3846: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LINDA T. SÁNCHEZ of California, and Mr. THOMPSON of Mississippi.
H.R. 3847: Mr. MCHENRY.
H.R. 3864: Mr. MCCOTTER, Mr. DAVIS of Kentucky, and Mr. COLE of Oklahoma.
H.R. 3877: Mr. WU.
H.R. 3881: Mrs. MALONEY of New York.
H.R. 3882: Mr. HILL, Ms. HERSETH SANDLIN, Mr. FILNER, Mr. HARE, Mr. KAGEN, Mr. SALAZAR, Mr. EDWARDS, Mr. STUPAK, Mr. MURTHA, Mr. DONNELLY, Mr. BUYER, Mr. MILLER of Florida, Mr. BISHOP of New York, Mr. POMEROY, Mr. HALL of New York, Mr. RODRIGUEZ, and Mr. KING of Iowa.
H.R. 3887: Mr. CHABOT, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, Mr. FORTENBERRY, Ms. SOLIS, Mr. PAYNE, Mr. BERMAN, and Mr. SIRES.
H.R. 3888, Mr. COLE of Oklahoma and Mr. KNOLLENBERG.
H.R. 3895: Mr. BLUMENAUER.
H.R. 3905: Mr. RANGEL.
H.R. 3908: Mr. ADERHOLT, Mr. POE, Mr. NEUGEBAUER, and Mr. AKIN.
H.R. 3920: Ms. WOOLSEY, Ms. HARMAN, Mr. ETHERIDGE, Mr. ALTMIRE, and Mrs. GILLIBRAND.
H.R. 3921: Mr. SERRANO.
H.R. 3923: Mr. HILL.
H.J. Res. 6: Mr. BILBRAY and Mr. SULLIVAN.
H.J. Res. 54: Mr. PITTS, Mr. YOUNG of Florida, Mr. HELLER, and Mrs. MYRICK.
H. Con. Res. 81: Ms. BORDALLO, Mr. DAVIS of Illinois, Mr. DELAHUNT, and Mr. MCNULTY.
H. Con. Res. 215: Mr. PAUL, Mr. BOOZMAN, Mr. GILCHREST, Mr. BACHUS, Mrs. BIGGERT, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. CRENSHAW, Mr. CULBERSON, Mr. TIAHRT, Mr. WELDON of Florida, Mr. ENGLISH of Pennsylvania, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. GERLACH, Mr. PETRI, Mr. CASTLE, Mr. MCCOTTER, Ms. PRYCE of Ohio, and Mr. ENGEL.
H. Con. Res. 230: Mr. ENGLISH of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. LAMBORN, and Mr. BUYER.
H. Con. Res. 234: Mr. CALVERT, Mr. WU, Mr. SIRES, Mr. INGLIS of South Carolina, and Mr. SHERMAN.
H. Con. Res. 235: Mr. JORDAN, Mr. SOUDER, and Mr. HENSARLING.
H. Res. 111: Mr. HALL of Texas, Mr. PORTER, Mr. WALBERG, Mr. SOUDER, and Mr. NEUGEBAUER.
H. Res. 146: Mr. MEEKS of New York, Mr. ENGEL, Ms. GIFFORDS, and Ms. WATSON.
H. Res. 163: Mr. WELCH of Vermont, Mr. BRADY of Pennsylvania, Ms. MATSUI, Mr. MCNULTY, and Mr. CLAY.
Res. 335: Mr. EHLERS, Mr. KUHL of New York, Mr. CAPUANO, Mr. WAXMAN, and Mr. HOBSON.
H. Res. 338: Mr. BAIRD.
H. Res. 356: Mr. HARE.
H. Res. 373: Mr. SIRES.
H. Res. 435: Mr. RAMSTAD and Mr. SHERMAN.
H. Res. 537: Mrs. CUBIN.
H. Res. 542: Ms. GIFFORDS, Mr. JOHNSON of Illinois, Mr. LAMBORN, and Mr. INGLIS of South Carolina.
H. Res. 573: Mr. SHERMAN.
H. Res. 617: Ms. ROS-LEHTINEN.
H. Res. 618: Ms. WATERS, Mr. CUMMINGS, and Ms. WATSON.
H. Res. 669: Mr. HOBSON and Mr. KIRK.
H. Res. 684: Mrs. JONES of Ohio.
H. Res. 705: Mr. FORTUÑO, Mr. DONNELLY, Mr. ROSKAM, and Mr. TANCREDO.
H. Res. 708: Mr. DOYLE.
H. Res. 715: Ms. GRANGER, Mrs. DRAKE, Mr. REYNOLDS, and Mr. PETERSON of Minnesota.
Res. 726: Mr. PITTS, Ms. HIRONO, Mr. INGLIS of South Carolina, and Mr. WYNN.
Res. 727: Mr. SHADEGG.
H. Res. 754: Mr. MORAN of Virginia and Mr. LEWIS of Georgia.
H. Res. 759: Mr. KAGEN.
H. Res. 760: Ms. LINDA T. SÁNCHEZ of California, Mr. EDWARDS, Mr. WALZ of Minnesota, Mr. ALTMIRE, Mr. HASTINGS of Florida, Mr. MCNERNEY, Mr. LOEBSACK, Mr. MEEK of Florida, Mr. ROSS, Mr. BERRY, Ms. MATSUI, Mr. SHULER, Mr. MCGOVERN, Mrs. LOWEY, Ms. DELAURO, Mr. LARSON of Connecticut, Mrs. BOYDA of Kansas, Ms. WASSERMAN SCHULTZ, Mr. FRANK of Massachusetts, Mrs. CAPPS, Ms. WATSON, Mr. HINCHEY, Mr. WELCH of Vermont, Mr. LEVIN, Mr. ETHERIDGE, Mr. MARKEY, Mr. DOGGETT, Mr. EMANUEL, Mr. HODES, Mr. MORAN of Virginia, Ms. BERKLEY, Mr. STUPAK, Mr. LANGEVIN, Mr. GRIJALVA, Mr. SCOTT of Virginia, Mr. CLYBURN, Mr. BUTTERFIELD, Ms. KILPATRICK, Mr. WATT, Mr. RUSH, Mr. WYNN, Mr. COHEN, Mr. CLEAVER, Ms. HOOLEY, Ms. HIRONO, Ms. LORETTA SANCHEZ of California, Ms. GIFFORDS, Mr. GINGREY, Mr. MCCAUL of Texas, Mr. HALL of Texas, Mr. DANIEL E. LUNGREN of California, Mr. PEARCE, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. WALSH of New York, Mr. BURGESS, Mr. POE, Mr. PRICE of Georgia, Mr. GOHMERT, Mr. CONAWAY, Mrs. MCMORRIS RODGERS, Mr. HERGER, Mr. DOOLITTLE, Mr. HOEKSTRA, Mr. UPTON, Mr. KUHL of New York, Mr. ROGERS of Michigan, Mrs. WILSON of New Mexico, Mr. WALDEN of Oregon, Mr. MATHESON, Ms. SCHAKOWSKY, Mr. HILL, Mr. YARMUTH, Mr. MURPHY of Connecticut, and Ms. DEGETTE.
H. Res. 761: Mr. BURTON of Indiana, Mr. SMITH of New Jersey, Mr. MCCOTTER, and Mr. FRANKS of Arizona.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative FLAKE or a designee to H.R. 505, the Native Hawaiian Government Reorganization Act does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

The amendment to be offered by Representative GEORGE MILLER of California or a designee to H.R. 3685, the Employment Non-Discrimination Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

The PRESIDING OFFICER. Today's opening prayer will be offered by Captain Margaret Kibben, United States Navy.

PRAYER

The guest chaplain offered the following prayer:

Let us pray.

Gracious Creator, whose presence permeates like sunlight, whose mercy is revealed through Your ceaseless compassion, and whose authority has called the world into being, we call on You to bring forth this day in accordance with Your grace plan.

As the men and women who serve in the Senate gather together in this Chamber to exercise the processes of power and politics, remind them that it is Your transcendence that presides over today's deliberations, Your merciful will that guides the political debate, and Your ultimate authority that is the source and foundation of their objectives.

So reminded, ordain these elected officials this day to wield this Nation's legislative power guided by Your presence; to engage in partisan discourse in response to Your mercy; and to align their objectives in accordance with Your authority, so that all that is said and done here may reflect Your presence, Your mercy, and Your power.

We stand in Your grace and pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 23, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

MARKING THE 24TH ANNIVERSARY OF THE U.S. MARINE BARRACKS BOMBING IN BEIRUT, LEBANON

Mr. MCCONNELL. Mr. President, normally the majority leader would proceed first. Since he is not on the floor at the moment, I wish to make a few remarks on leader time here as we get started.

I rise today in honor of the 241 U.S. marines, sailors, and soldiers who were killed in a despicable suicide bombing attack on the U.S. Marine barracks in Beirut, Lebanon. That attack occurred 24 years ago today on October 23, 1983.

President Ronald Reagan had dispatched U.S. forces in 1982 to maintain the peace in Lebanon. On the morning of October 23, one Lebanese terrorist drove a truck packed with explosives through three guard posts and a barbed-wire fence, straight into the lobby of the U.S. Marine Corps' headquarters. The bomb exploded with the force of 18,000 pounds of dynamite. It transformed the four-story cinder block building into rubble.

It was so powerful, the U.S. District Court for the District of Columbia later described it as ''the largest nonnuclear explosion that had ever been detonated on the face of the Earth.''

Some of the men and women lost that day were murdered in their sleep. Others who saw the truck come crashing in may have seen the face of the enemy as their last sight on Earth. Either way, 241 Americans wearing their country's uniform were killed in a brutal attack that shocked America and the world.

Five Kentuckians were among the 241 who died in that attack. They were: PFC Sidney James Decker, U.S. Marine Corps, of Clarkson, KY; LCpl Virgil D. Hamilton, U.S. Marine Corps, of McDowell, KY; Hospital Corpsman 3rd Class Robert S. Holland, U.S. Navy, of Gilbertsville, KY; SGT Thomas C. Keown, U.S. Marine Corps, of Louisville, KY; and SGT Daniel S. Kluck, U.S. Army, of Owensboro, KY.

Terrorists and their favorite tactic—the suicide attack—are still with us today. Thankfully for America, so are the U.S. Marines.

Founded in 1775, the U.S. Marine Corps has been ''at the tip of the spear'' in every one of this Nation's wars, and they will never be stopped by a terrorist's suicide attack. This November, the country will celebrate the Corps' 232nd birthday, and thank them for defending our freedoms.

By taking the fight to the terrorists wherever they hide, the Marines have put terrorists on the defensive, making it less likely they will hit us again here at home. By their courage on the battlefield and constant risk of danger, today's Marines honor every one of their forebears who died defending our country.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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America still remembers her brave men and women lost in the Marine barracks bombing of 1983. We honor them and their families for their sacrifice. We continue to fight terror today with a steady hand, even if it is at times paired with a heavy heart. And we are proud of the brave men and women who fight for their country against the would-be terrorists of today and tomorrow.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3043, which the clerk will report.

The assistant 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.

Pending:

Harkin/Specter amendment No. 3325, in the nature of a substitute.

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.

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.

Ensign amendment No. 3342 (to amendment No. 3325), to prohibit the use of funds to administer Social Security benefit payments under a totalization agreement with Mexico.

Ensign amendment No. 3352 (to amendment No. 3325), to prohibit the use of funds to process claims based on illegal work for purposes of receiving Social Security benefits.

Lautenberg/Snowe amendment No. 3350 (to amendment No. 3325), to prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate.

Roberts amendment No. 3365 (to amendment No. 3325), to fund the small business childcare grant program.

Coburn amendment No. 3358 (to amendment No. 3325), to require Congress to provide health care for all children in the U.S. before funding special interest pork projects.

Chambliss modified amendment No. 3391 (to amendment No. 3325), to provide for a declaration of a public health emergency with respect to Sumter County, GA.

Cardin amendment No. 3400 (to amendment No. 3325), to provide support to Iraqis and Afghans who arrive in the United States under the Special Immigrant Visa program.

Landrieu amendment No. 3446 (to amendment No. 3325), relative to the Elementary and Secondary School Counseling program.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, we entered into a unanimous consent agreement last night. I will repeat it for the benefit of Senators.

Senators should be aware that we will now start a series of debates and we will stack the votes. The first amendment will be the amendment of the Senator from Wyoming, Mr. ENZI, amendment No. 3437. There will be 30 minutes of debate equally divided. That will be the first one.

The second one will be the amendment of the Senator from South Carolina, Mr. DEMINT; that is amendment No. 3387. There will be 20 minutes of debate equally divided.

The third one would be the amendment No. 3365 by the Senator from Kansas, Senator ROBERTS. There will be 10 minutes of debate equally divided.

Then the fourth one would be the amendment No. 3358 offered by the Senator from Oklahoma, Senator COBURN. There will be 20 minutes of debate equally divided. At the end of all of that time, the Senate will proceed to vote on and in relation to those amendments.

We are ready for the amendment of the Senator from Wyoming as soon as he arrives, and he is here.

AMENDMENT NO. 3437 TO AMENDMENT NO. 3325

Mr. ENZI. Mr. President, I call up amendment No. 3437.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 3437.

Mr. ENZI. 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:

AMENDMENT NO. 3437

(Purpose: To prohibit the use of funds to modify certain HIV/AIDS funding formulas)

At the appropriate place in title II, insert the following:

SEC. ____. Notwithstanding any other provision of law, no funds shall be made available under this Act to modify the HIV/AIDS funding formulas under title XXVI of the Public Health Service Act.

Mr. ENZI. Mr. President, at the present time, the last numbers that I saw, Congress's approval rating was 12 percent. There is a reason for that. We have been nibbling around the edges on a lot of things, and we have been doing earmarks. I have an amendment that deals with one of the most egregious earmarks I have seen.

Less than a year ago we passed a bill in this body unanimously, that the House then passed unanimously, that addressed the Ryan White AIDS program, and it included transparency, it included accountability, and it included a change in the formula. The change in the formula gave some protection to those who have had a declining population, but it allowed the money to follow the people who had the problem.

Today, in this bill, there is an earmark that provides for money now to go to people who may no longer even exist—people who are dead. It is a way that they are trying to change the authorization process we went through so meticulously, so unanimously, in such a way that it undoes it in an appropriations bill. We shouldn't be changing law in an appropriations bill. We especially shouldn't be changing law for a specific area of the country in an appropriations bill. That is why I bring this amendment.

I want to discuss the Ryan White program and the need to ensure that this Labor-HHS bill does not undo our recent work. Last December, after months of negotiations, the House and the Senate passed a new 3-year Ryan White reauthorization. Most importantly, we ensured that those new formulas focused on the lifesaving treatment by including individuals with HIV, not just AIDS.

One of the key items that delayed this reauthorization for months was the careful negotiations surrounding the funding formulas. In that bipartisan, bicameral agreement, we were very clear about the implications of those new formula changes. We provided GAO data runs that were nearly identical to how the funding has been distributed. I hope everybody takes a look at those GAO data runs.

Those funding formulas also included hold-harmless provisions to ensure the formula funding would not decrease by more than 5 percent from the previous year. While I would have preferred no hold-harmless provisions or ones that allowed for more dramatic fluctuations so the money could follow the HIV-infected person, that was what we agreed upon a few short months ago.

We didn't pull the wool over anyone's eyes; we provided clear information about the implications about those funding formulas. Now, with one simple pen stroke, the House majority would like to undo all of those carefully crafted, bipartisan, bicameral compromises and insert a new hold-harmless provision with little thought to how this change will affect others. I am pleased to note that the Senate did not include this egregious provision, and I hope today the Senate will go on record for opposing doing so.

What is even more ridiculous is that this provision primarily benefits San Francisco, a city that continues to receive funding to care for dead people. San Francisco received two-thirds of the $9 million available, racking up $6 million of new dollars. All the while, nearly every other city would have reduced funding just so San Francisco can receive more riches. That additional $6 million is not based on the number of people they are treating or on how many new cases they have. As a hold-harmless provision, it is related to what that city has received before.

As GAO noted in the report last month, even within their current funding, they are receiving money for people who have died. Let me repeat that. GAO, the Government Accountability Office, confirmed that San Francisco currently receives funding under Ryan White for dead people. That is without this additional $6 million earmark. Now, I don't know about my colleagues, but I find this a little reprehensible. Where I come from, that is called cheating. This is patently unfair to those cities and States that are striving to come up with the moneys for basic HIV/AIDS treatment.

House Democrats reneged on a bipartisan, bicameral solution and are trying to slide this authorizing legislation into an appropriations bill, hoping no one will notice. Well, I noticed. I object to this provision and the implications of it. Rather than providing nearly $10 million to help those cities that don't need it, why aren't we providing funds to those cities with large numbers of people with HIV?

So I offer my amendment to Labor-HHS, Enzi amendment No. 3437. This amendment is quite simple. It states that the Labor-HHS bill cannot be used to undo all of the work we did on Ryan White. We should not be diverting key funds from cities with rising HIV cases to go to San Francisco—a city that is still receiving funds for treating people who have already died from AIDS. If you support keeping people alive, I believe you should also support my amendment. We did last December. We should again. We need to keep it on track to take care of the problem.

I yield some time to my fellow Senator from Oklahoma, such time as he would like.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wish to make a few comments about what is in the bill and what is going to happen if we don't accept Senator ENZI's amendment.

When we crafted the Ryan White Act, the goal was to make sure the dollars followed the disease and to make sure people who were infected with HIV who had no other means of seeking treatment and having a life that is not the scourge of this disease with the modern medicines that have come about, to create a platform where we could have fair availability for medicines and treatment and care to where the disease is growing.

What has come out of the House, with Speaker PELOSI's direction, is to actually take money from African-American women and the medicines they need to stay alive, or medicines to treat their newborn infants, and send it to San Francisco, which in the last few years has not even spent the entire amount of money that has gone to it.

Senator ENZI is right in the fact that this violates the very agreement we made over a long period of time to get Ryan White funds to start following the disease. By taking an extra $6.2 million and sending it to San Francisco, it violates, No. 1, the agreement on that bill, but most importantly, it takes away the opportunity for health for minority women, which is where the disease is growing the greatest amount. We have all these women throughout the country who have been on waiting lists for drugs for treatment. They are getting some, but they are not getting what is going to save their lives. And we are going to steal that opportunity for minority women to be adequately and fairly treated under this bill.

The Ryan White bill we passed last year was a good compromise, knowing that we needed to shift money to where the disease is. What happened in the House bill is we have actually reneged on that commitment. What we are actually saying is that the establishment age groups in northern California deserve more money than a single African-American woman who was infected with HIV and cannot get the medicines to treat her disease. That is the choice.

For the first time, the Ryan White Act changed the direction of where the money went. The Ryan White Act, as we passed it, had the money following the disease, going to those who need treatment rather than to established organizations that are used to a certain budget. So the tragedy will be that if we don't pass the Enzi amendment, we are taking a step backward from the very principle—a public health principle, by the way—that you put the money where the epidemic is. What is in the House bill negates that.

What we are doing is playing politics with the lives of African-American women, who are the fastest growing numbers of people who have HIV in this country. We are taking $6.2 million away from them and we are putting it in facilities that, quite frankly, have done quite well under the Ryan White Act. The availability, the access, and the programs are at the greatest level in San Francisco as compared to any other place in this country. Yet we choose, if we do not accept the Enzi amendment, to say that is a higher priority than a poor African-American woman in the South. That is the choice.

I support this amendment. I think the Senate, in good conscience, ought to live up to its agreement on the Ryan White Act.

I yield back my time.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the Enzi amendment. I congratulate the chairman and the ranking member for the work they have done on this bill. But this amendment significantly disadvantages at least nine jurisdictions facing HIV/AIDS crises throughout the country because it essentially would prevent any stop-loss provision enacted by the House from going into effect.

Senator ENZI, Senator KENNEDY, and the rest of the HELP Committee worked tirelessly for most of last year to reauthorize the Ryan White CARE Act. I voted for this reauthorization, and I recognized at the time that the method of counting HIV/AIDS victims had to change to more clearly reflect living victims. However, this then mandated huge cuts to vital programs, despite the fact that States and eligible metropolitan areas were assured that no jurisdiction would face destabilizing losses.

The HELP Committee staff provided GAO data during the debate projecting that San Francisco would receive approximately $17.1 million in fiscal year 2007. But San Francisco did not receive that amount. Their formula award totaled $14.6 million, which is $2.5 million less than estimated.

A compromise was to offset losses by clearly making available supplemental award funding so that the Health Resources and Services Administration could consider the funding losses when awarding this supplemental funding. This amendment seeks to do away with all of this.

Despite these estimates and built-in protection, several areas of the country received significant funding cuts when the 2007 awards were announced earlier this year.

The San Francisco eligible metropolitan areas, which also include Marin and San Mateo Counties, lost approximately $8.5 million. That is just those three counties—an $8.5 million loss. This accounts for 30 percent of the Ryan White funding—a loss too great for any jurisdiction to absorb in 1 year.

It didn't surprise me when San Francisco lost money in 2007. The city knew it would likely face losses. But the protections put in place clearly were not adequate. The loss of one-third of total funding is clearly destabilizing. To be very candid with you, I find it highly objectionable.

This isn't only unique for San Francisco. Five other cities also lost 20 percent or more of their funding: Hartford, CT, 32.1 percent; New Haven, CT, 23.7 percent; Nassau-Suffolk County, NY, 21.7 percent; Ponce, Puerto Rico, 28.9 percent; Caguas, Puerto Rico, 34.3 percent.

No jurisdiction can absorb cuts of this magnitude in 1 year without significant harm to those they serve. To address this, the House of Representatives included a stop-loss provision to cap the losses faced by these jurisdictions in their version of the fiscal year 2008 Labor-HHS appropriations bill. This provision limits the fiscal year 2007 losses for eligible metropolitan areas, or EMAs, to 8.4 percent—not 30 percent but 8.4 percent—which is a manageable amount. Transitional grant areas will have their losses capped at 13.4 percent.

So there is a willingness to respond to the mandate; that is, change your method of counting and, secondly, absorb reasonable cuts. I don't think that

is too much to ask. I think this is overkill.

I was the mayor who first found AIDS, and I can take you back to 1981 and I can tell you what it was like. You won't like it. What I tried to do in the task force of the Conference of Mayors was to bring mayors into the modern day. San Francisco essentially led the Nation in the fight against AIDS. I think to have to take a 30-percent cut, when we are seeing some regeneration of AIDS, is a terrible mistake.

Senator ENZI's amendment could nullify the House's solution. Let me be clear. Under the House language, San Francisco would still lose $2.3 million. All of the cities will still face significant cuts. This provision is designed not to stop all reductions but to limit them to a level that can be absorbed in 1 year. The House provided funding for the stop-loss on top of a $23 million increase for part A of the Ryan White CARE Act. So virtually every area across the country sees an increase in funding. But these areas take a dramatic 30-percent cut in funding. I don't think that is right, and I don't believe we should accept it.

The Government Accountability Office examined the impact this stop-loss provision would have on jurisdictions in 2008. In addition to benefiting the 11 jurisdictions whose cuts are reduced, the House bill results in increased funding for 42 of the remaining 45 jurisdictions. The very minor cuts projected in the remaining three jurisdictions are less than one-tenth of 1 percent. A reduction of 30-percent is simply not manageable.

The provision makes no changes to the underlying reauthorization. It doesn't prevent it from moving forward at all. It caps the total losses faced by any jurisdiction in fiscal year 2007 with a one-time solution. It doesn't reopen the reauthorization so carefully crafted by Senators KENNEDY and ENZI and their committee.

The epidemic, as I mentioned, is far from over in San Francisco. AIDS continues to be the second leading cause of premature death in the city and counting. Nearly 23,000 people are currently living with HIV/AIDS in San Francisco, which is more than at any point in the epidemic. Listen to that—nearly 23,000 people in San Francisco are living with HIV now, and that is more than at any point during the epidemic. In addition, the population of San Francisco living with HIV/AIDS is increasingly impoverished, homeless, and struggling. Many have serious medical needs.

About 2 weeks ago, the San Francisco Chronicle reported that San Francisco doctors diagnosed 15 HIV patients with Kaposi sarcoma. That is a form of cancer commonly found in patients early in the epidemic but had become rare.

I will never forget, in a staff meeting I had with department heads back in 1981, when the director of public health said: Madam Mayor, something is happening. We are finding patients with large purple lesions all over their bodies, and we don't know what it is.

His name is Merv Silverman. I said: Merv, find out what it is and come back and tell me.

Three weeks later, they came back, and it was the discovery for the first time of AIDS in this country. So I feel very sensitive about it. I started the first AIDS program in the Nation. We funded it with property tax dollars. That is how we became a leader in the area.

To take a 30-percent cut when we have the largest number of HIV/AIDS victims in our history in the city, to me, is discriminatory, wrongheaded, and it need not happen. So I very much hope this body will respond.

I understand Senator ENZI wants to protect the reauthorization and the funding formula he authored, but I think we have to admit that the impact on some areas of the country was not anticipated. Fixing these unintended consequences does not require reopening the legislation. It can be addressed with a one-time solution that will still leave some cities with a decline in funds; that means the House solution of stop-loss.

I urge my colleagues to join me in opposing the Enzi amendment, which would strike a dastardly blow to a city that has seen too much suffering, as well as others.

I thank the chair and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ENSIGN. I yield to the Senator from Oklahoma.

Mr. COBURN. Mr. President, I wish to make a couple of points.

I know this is a large step down for San Francisco EMA and a smaller step down for some of the others. But the thing that needs to be kept in mind is the amount of dollars spent per HIV patient in those areas is 2½ times what the average is around the rest of the country—2½ times. We spend 2½ times more per HIV case in those areas than we do in North Carolina or Florida or Mississippi or Michigan or Kansas or Texas or Arizona. So what we are talking about is proportionality; giving the same opportunities to everybody who has HIV, not more opportunities.

So with the 30-percent cut, you are still going to be spending 1½ to 1¾ times more per HIV case in San Francisco as you are in the rest of the country. So I appreciate the work of the Senator in the HIV area, which is exemplary, and I understand she would want to protect this, but it is not fair to the rest of the country. It is not fair to tell somebody that you are going to spend 2½ times as much on somebody with HIV in San Francisco as you are in Dallas, TX, or Miami, FL. That is what this amendment is about—keeping the fairness that was in the Ryan White Act.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I don't think it is fair to take a 30-percent cut in 1 year when you have the largest number of HIV/AIDS victims in the history of the epidemic in a city that has suffered such as no other city in America. I am not saying there shouldn't be cuts. I voted for the reauthorization knowing there would be cuts. What I am talking about is the level of cuts and the way these cuts fall because they decimate programs in an area that was ground zero on AIDS in the United States.

If you are going to take cuts, take those cuts so the communities involved in fighting HIV with prevention, with education, with care, with treatment, with drugs, with all of it, can essentially meet the mandate, which is to prevent the suffering of AIDS in HIV patients and also to prevent the disease from spreading. That is not easy to do, I can tell you that firsthand.

You take a 30-percent cut in 1 year and you decimate these programs. That is why the House put the stop-loss in. Take a moderate cut, and we will stand up like men and women and we will take that cut. Take a third cut and it is much more difficult and you affect services to people. That is all I am saying.

So I would very much hope the Senate would understand the need and the compassion to defeat this amendment and, once again, I would urge a ''no'' vote.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, before we passed the legislation, there were waiting lines in many of the States in this country, lines of people waiting to get treatment and care for AIDS. I am pleased to let you know there are no waiting lines today. No waiting lines anywhere—not in San Francisco, not in Connecticut, not in New Jersey or in New York.

There has been a cut. The cut is guaranteed to be no more than 5 percent under the formula. Now, there has always been supplemental money besides the formula. We did not guarantee the supplemental money. The supplemental money was never guaranteed. And if there are larger cuts, it comes out of the supplemental money, not the formula. So I certainly hope we don't change the formula under the appropriations bill instead of through the proper process, which is authorization.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Department of Health and Human Services in North Carolina with some very pertinent quotes.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH CAROLINA DEPARTMENT
OF HEALTH AND HUMAN SERVICES,
October 15, 2007.

Hon. MICHAEL ENZI,
Ranking Member, Committee on Health, Education, Labor, and Pensions, Hart Senate Office Building, Washington, DC.

DEAR SENATOR ENZI: Thanks to your leadership on the Committee on Health, Education, Labor, and Pensions (HELP), Congress took an important step last year and

modernized the Ryan White CARE Act (RWCA). You and many of your congressional colleagues—both Democrats and Republicans—took a principled stance in order to ensure that patients in need, no matter where they live, can access basic medical services to treat and prevent HIV.

The new Ryan White program funding is having a profound impact in North Carolina. The increase in North Carolina's AIDS Drug Assistance Program (ADAP) eligibility from 125% to 250% over the past two years is the direct result of your legislative initiative, resources provided by the new Ryan White funding and new state investments. The increased eligibility levels will result in approximately 600–750 new North Carolinians having access to ADAP services. The reforms you championed are making a crucial difference in the lives of people living with HIV.

Unfortunately, an effort is underway in the Congress to modify the original intent of the reauthorization—that funding would be based on demonstrated need. As you are aware, according to a Health Resources Services Agency document and the newly-released GAO report that you and your colleagues requested, the impact of the House-passed version of the FY2008 Labor-HHS Appropriations bill that would cap losses for certain EMAs would result in decreased funding for states that would have otherwise received new funding based on higher incidence of HIV.

As a direct result of your efforts last year, North Carolina and other parts of the country that have been hit hardest by new HIV cases now have a fighting chance to effectively increase HIV screening, link infected individuals to care and reduce the number of HIV infections reported from year-to-year. If this attempt to undermine the basic premise of the landmark Ryan White HIV/AIDS Treatment Modernization Act of 2006 is successful, CARE Act funding will be diverted from regions of the country that are most in need of federal assistance. Unless the harmful provision in the appropriations legislation is eliminated, I am gravely concerned for patients who are in desperate need of lifesaving medical care, individuals who will be newly infected because their partners did not have access to CARE Act services and ultimately, the future prospects of addressing the HIV epidemic in North Carolina and throughout the country.

Thank you for your leadership on the Health Subcommittee, and thank you for your attention to this important issue.

Sincerely,

EVELYN FOUST,
State AIDS Director.

Mr. ENZI. Mr. President, I yield the floor, and I reserve my remaining time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, in listening to this debate and having received a letter from the Speaker, the concerns I have are whether there was a disproportionate share going to some localities in California.

If I could direct a question to the Senator from California: What is your response to the concerns raised by the Senator from Wyoming that the formula was settled last year and that this, in effect, reopens the formula and is going to direct funds to areas in your State where those funds could be directed to the same serious problem which Pennsylvania has in our big cities—Pittsburgh and Philadelphia?

If you could first respond on the issue as to whether the formula was resolved last year.

Mrs. FEINSTEIN. Through the Chair, Mr. President, if I may, to the distinguished Senator from Pennsylvania, first of all, it is my knowledge that the cut to San Francisco and to 11 other jurisdictions is very large. With respect to the reauthorization of Ryan White, we do not agree that it applies only to the fiscal year 2007 cuts. It takes resources, actually, from other jurisdictions. The Pelosi fix in the House ensures a significant increase for title I that would both reduce cuts to a manageable level for 11 jurisdictions and still increase for other jurisdictions. So this isn't taking money away from other jurisdictions, as I understand it. The provisions in the House bill increases funding for 42 of the remaining 45 jurisdictions under title I.

Now, I don't know the particulars, to be candid with you, of how these cuts fell, but I do know the cut received in the Bay Area was substantial. I suspect it was from the way they counted AIDS cases, and they knew they had to change the methodology. But basically the point is the cut is substantially large and means you have to cut 30 percent across the board of AIDS programs at a time when San Francisco has the largest number of HIV/AIDS cases in its history—23,000.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. Who yields time to the Senator? The time is controlled by the Senator from Wyoming and the Senator from California. Who yields time?

Mrs. FEINSTEIN. May I ask how much additional time I have?

The ACTING PRESIDENT pro tempore. A minute 10.

Mrs. FEINSTEIN. A minute 10. I am not sure I should yield it to the Senator.

Mr. SPECTER. That is up to the Senator. I am not decided on how I am going to vote, so you have to decide that question and I will decide—

Mrs. FEINSTEIN. I beg your pardon? Whose side did you say?

Mr. SPECTER. I am considering it.

Mrs. FEINSTEIN. Oh. Then I will yield. If the mind is open, I am happy to yield.

Mr. SPECTER. I know it is unsenatorial to say that, but I haven't made up my mind.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. I was listening to the Senator from Wyoming and the Senator from California and trying to figure it out. I don't want to be too unsenatorial, to think about it, but that is where I am.

Mrs. FEINSTEIN. I would be happy to yield my remaining minute to the Senator from Pennsylvania.

Mr. SPECTER. The problem is one of enormous seriousness, and it is very difficult to find the funding with what we have allocated on our discretionary spending. In a context where some $36 million is being added in the House bill and some $6 million has been allocated to San Francisco in the House bill—and I am very sympathetic to San Francisco's problem and I understand the distinguished Senator from California was mayor of San Francisco and it is within the district of the Speaker of the House, so I understand their interest there—what I am trying to evaluate is whether there is undue funding going because of the prominence of the advocates of the position by the Senator from California.

I think I understand it now and I will weigh and consider it. I thank the Senator from California for yielding me the time.

Mr. ENZI. Mr. President, I yield back the remainder of my time.

Mrs. FEINSTEIN. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Time is yielded back.

Mr. HARKIN. Mr. President, under the unanimous consent agreement entered into last night, I believe the Senator from South Carolina would be recognized next for amendment No. 3387, with 20 minutes of debate equally divided.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the Roberts amendment first, and then we would, after the disposal of the Roberts amendment, then proceed to the DeMint amendment.

The ACTING PRESIDENT pro tempore. Is there objection? The chair hears none, and it is so ordered.

The Roberts amendment has been proposed and is now pending. The Senator from Kansas.

AMENDMENT NO. 3365

Mr. ROBERTS. Mr. President, I rise in support of the Roberts amendment, No. 3365, to fund a small business childcare grant program. The program was authorized earlier this year as part of the supplemental spending bill. It does have wide bipartisan support at this time, as well as last Congress when it was unanimously approved by the HELP Committee as part of the Child Care Community Development Block Grant.

This program is different from other childcare initiatives because it specifically targets small businesses and because it encourages them to work together. These small businesses are the lifeblood of many urban and rural communities. These grants will allow the local convenience store or the beauty shop, the auto shop, the implement dealer, the bank, to cooperatively work together to offer their employees quality childcare while they work. Right now, these daycare facilities are simply not available.

My program is also different from other grants because it encourages sustainability and ownership over these childcare facilities. With an annual increasing match requirement and a 2012 sunset provision, my program offers a fiscally responsible approach to plugging the lack of childcare for many hard-working American families.

I wish to thank Senators SPECTER, HARKIN, KENNEDY, DODD, and SALAZAR

for their support of this program in the supplemental spending bill. I am proud this was a bipartisan effort from the get-go, and I want that to continue. If you support hard-working American families, if you support small business and community development, if you support fiscal responsibility, then simply support this amendment.

Let me say I recognize and appreciate the concern of my good friends and colleagues, Senators COBURN and DEMINT. They feel this program could be duplicative. I do not think it is because the program targets small businesses and encourages them to cooperate with other entities to develop sustainable childcare facilities. Because of the matching and sunset requirements—50 percent the first year here, 67 percent the second year, and the third year, 75 percent, and then it sunsets—I think we are much more fiscally responsible.

There was a suggestion to use TANF funds. These are being held by States in emergency contingency accounts in case of a sudden economic downturn. This would be another allowable use of these funds. That is not the case. This is apples and oranges. This is a fiscally responsible plan on the part of the States and we should encourage that.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself about 3 minutes.

The amendment offered by Senator ROBERTS is a good amendment. This was authorized in the emergency supplemental bill for fiscal year 2007. The grants are for small businesses that want to partner with each other or other organizations to establish employer-owned childcare programs. Funds can be used for startup costs, technical assistance, and training and special services for sick kids or children with disabilities.

The program is authorized at $50 million in fiscal year 2008. As the Senator said, funding was not included. I think it is time we do fund it. I have long been a supporter of expanding the role of small businesses in providing the kind of childcare that their employees need.

I think the amendment of the Senator will further that goal, and I offer my support to the Senator's amendment and I hope the Senate will adopt it.

I yield back whatever time we may have.

The ACTING PRESIDENT pro tempore. All time is yielded back.

Without objection, that amendment is agreed to.

The amendment (No. 3365) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3387 TO AMENDMENT NO. 3325

Mr. DEMINT. Mr. President, I ask unanimous consent the pending amendment be set aside and amendment No. 3387 be called up for immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 3387.

Mr. DEMINT. I ask unanimous consent 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 replace non-competitive earmarks for the AFL–CIO with competitive grants)

Beginning on page 4, strike line 22 and all that follows through line 7 on page 5, and insert the following: ''workers: Provided further, That $3,700,000 shall be for competitive grants, which shall be awarded not later than 30 days after the date of enactment of this Act''.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I do want to make sure we have called up amendment No. 3387. I appreciate the chairman agreeing to this slight change in the purpose statement, not the legislative language.

This amendment is part of an effort to clear up what a lot of us have called the culture of corruption over the last several years. A lot of this has come from Americans connecting the dots between the earmarks that we give to our favorite causes back home and many of the campaign contributions and political support that we get back here in Congress. While motivations are generally good, at best the appearance of what is going on here has alarmed the American people.

My earmark amendment today addresses two specific earmarks in the appropriations bill that is in front of us. One of the earmarks provides $1.5 million for the AFL–CIO Working for America Institute and $2.2 million for the AFL–CIO Appalachian Council. These funds come in the form of what are referred to as noncompetitive grants, according to the text of the bill and the committee report—which means no one else can compete to deliver the services that are intended by the bill, that these are a specific earmark to divisions of the AFL–CIO.

These earmarks are problematic because they fund two organizations that are not competitive. They provide funds that could be better spent to achieve the mission of the Department of Labor set out by Congress in the Workforce Investment Act of 1998. Rather than continuing to give these groups handouts without any competition, we should force them to compete with other organizations so Americans get the most value for their tax dollars. That is exactly what my amendment will do. It replaces these two earmarks that total $3.7 million with competitive grants.

Let me be clear. I am not taking the money out of the bill. The money is still there for the purposes for which it is intended, but it allows organizations to compete to deliver these services so that the taxpayers get the most for their money.

Let me say a few things about the performance of the AFL–CIO organization so my colleagues understand why there is such concern. The AFL–CIO Working for America Institute originally received grants under the Workforce Investment Act. The grants were given to national organizations for the purpose of providing technical assistance in setting up systems of local and State workforce investment boards for the purpose of helping unemployed workers get the training and the jobs they need.

After 3 years, these capacity-building services were no longer needed, and the grants were terminated. However, the Working for America Institute failed to complete its mission in 3 years, so the Department gave it a fourth year of funding. After the fourth year, the Department terminated its contract with the Working for America Institute and explained:

It is difficult to make the case that the AFL–CIO should receive yet a fifth year of funding for organizational purposes when the other national organizations were able to achieve their goals in 3 years. Additionally, given that there are so many workers seeking training or retraining opportunities, we believe the Department of Labor's emphasis is rightly placed on promoting employment and reemployment projects having measurable outcomes.

The Department believes the technical assistance given by the institute is duplicative and less effective than a similar program already funded in their Employment and Training Administration. It said:

We should focus limited financial resources on programs that deliver actual training services to workers, rather than pour additional funds into organizational infrastructure. After 4 years, the AFL–CIO should have developed sufficient ability to participate effectively in the Workforce Investment Act system.

Despite these failures, Congress overrode the Department and earmarked funds for $1.5 million in fiscal year 2005 in the appropriations bill in that year, and it continued the project through June of this year. Now this appropriations bill is trying to do the same thing again. This is a clear example of Congress interfering with agency decisions because of parochial or political interests. Congress should not fund a program that is duplicative and not a critical priority for an agency. It should have to compete for funds like every other organization.

Let me address the second earmark in this bill. The AFL–CIO Appalachian Council had a longstanding sole-source

contract with the Department of Labor that spanned several decades. The purpose of the contract was to provide career technical training and career transition services at job placement centers in Pittsburgh, PA, Charleston, WV, and Batesville, MS. It is important to note that the council does not manage or run these three centers. It simply provides the training, placement, and transition services.

The Department of Labor reviewed the council's performance in 2004 in light of the new requirements of the Workforce Investment Act. The review resulted in the Department terminating the council's sole-source contract because it was no longer the only and unique provider of career transition services and because it experienced a steady decline in program performance over a 5-year period.

Despite these failures, Congress stepped in and earmarked $2.2 million for the council in fiscal year 2005, forcing the Department to continue the contract. Following this, the Department canceled the contract again, but Congress reversed the agency's decision a second time with another $2.2 million earmark in 2006.

After the second year came to a close, the Department reviewed the performance outcomes of the council. In 2006, the council placed 265 graduates in apprenticeship programs and 71 graduates in jobs matching their vocational training. With the earmark funded at $2.2 million, the cost of each of these graduates was $6,547. Each of the council's 21 staff members placed less than 2 students per month in a registered apprenticeship program. Despite being given a second chance by Congress, the Department terminated the contract again this year.

Unfortunately, the appropriations bill we are considering gives another earmark to the council to continue the services and designates it a noncompeting earmark, which means no one else can compete to do the service right. Here we have two examples of earmarks that circumvent the normal competitive process and abuse the American taxpayer.

The AFL–CIO has plenty of funds to continue these programs. In 2006, the AFL–CIO reported $96 million in assets and $157.2 million in receipts. Their top five executive officers made from $179,000 to $291,000 a year, with 204 employees making more than $75,000 a year. Of their disbursements, about $30 million, or nearly 40 percent of their total receipts, went for political activities and lobbying.

The AFL–CIO should either fund the program itself or help the institute develop a competitive grant proposal, but these organizations should not get a handout. My amendment, as I said before, does not eliminate the funds, but it does require the AFL–CIO to compete based on real criteria and accountability to deliver the services for the American taxpayer.

I urge my colleagues to support my amendment to turn these noncompetitive grants into competitive grants so we accomplish the purpose in an accountable way. I ask my colleagues to vote for my amendment later on this morning. I appreciate their support.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

Mr. SPECTER. How much time do we have, Mr. President?

The ACTING PRESIDENT pro tempore. There is 10 minutes in opposition. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the two programs which have been commented on by the Senator from South Carolina are very good programs, contrary to his assertions. The AFL–CIO Appalachian Council is a nationally recognized provider of educational training service. It was founded in 1964 and the council has represented Alabama, Georgia, Kentucky, Maryland, DC, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. I believe if the Senator from South Carolina looked closely at what has happened in his own State, which has been a beneficiary, he would find it has been a good program. The council operates major employment and training programs through the Department of Labor and Job Corps, as well as employee assistance programs, and provides funding for recruitment/replacement of some 1,000 Job Corps students in long-term jobs.

When you talk about the Job Corps, you are talking about a group of young people who might well be at risk. With the rising rates of violence in major American cities—two of them in my State, Pittsburgh and Philadelphia; Philadelphia had 406 homicides last year—taking some of these at-risk students off the streets, young people off the streets, and providing job training is very important.

The Working for America Institute, which is a program very near and dear to the heart of the senior Senator from West Virginia, Mr. BYRD, has an important retraining component of our manufacturing base, where we have seen too many high-paying jobs shipped overseas. During the current administration, more than 3 million American manufacturing jobs have been lost. We are dealing with an area of some of the Rust Belt States where job training and job development is very important and the Appalachian Council runs through those States and provides a very important service.

When the Senator from South Carolina talks about a political factor, that depends upon the eye of the beholder. These programs have worked very well. They are a very modest allocation with a total of $3.7 million tackling an issue of job training in an area which has been beset by unfair foreign competition. They have been very carefully considered by the subcommittee, very carefully considered by the full committee, and they have been a part of the budget for a considerable period of time. They have established their bona fides and their worthwhile nature.

I believe they are worth the money. I urge my colleagues to reject the DeMint amendment.

I yield to my distinguished colleague from Iowa.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. I wish to join with Senator SPECTER in opposing the DeMint amendment, which would strike two congressionally directed fundings in the bill—one for the Appalachian Council, and the other one would be for the Working for America Institute.

This institute was created, first of all, in 1989 and then in 1998 was spun off and made into a totally separate nonprofit organization with a functioning board of directors and everything else. They have over 30 years of experience in the field of job training, workforce development. They work with businesses, the private sector, they work with unions, and they work with communities. The institute has basically been a showcase of how to pull people together and get people together for workforce development. It is doing great work, and it benefits communities throughout the United States. In fact, I had the list of some here. Just last year alone, the institute provided assistance to Portland, OR, the Ohio State Workforce Board, the National Governors Association, and the National Alliance of Workforce Boards. So you can see they do things all over the country.

I point out that this institute received funding through the Department of Labor for over 30 years, through Republican and Democratic administrations. I can go back to Nixon and Ford and Carter, all through the Reagan years, the first Bush administration, the Clinton administration, and actually the first part of this Bush administration until just a couple of years ago when the Department of Labor decided to cut all funding for it. So we had to come in here a couple of years ago and put directed funding in there for the institute. It was widely supported.

So when the Senator from South Carolina says that: Well, we will just make it competitive. Well, the Department will not do it anyway. They are not interested in it. They will not put it out for competitive grant. So this is another instance where I think congressionally directed funding has validity because we have looked at these programs from a bipartisan standpoint, and we agree they should be funded, even though the Department of Labor does not want the funding.

Now, the second issue I wanted to address is—I do not know whether I caught the Senator from South Carolina correctly, but I heard something about lobbying and political activity. I just wanted to make it very clear that section 503 of the bill reads—and I will read it in its entirety:

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.

So the recipients cannot do it, and they cannot hire lobbyists, either, to lobby for them for any legislation pending before the Congress. So I wanted to make it clear that none of this money can be used for lobbying or for any kind of partisan activities, nor can it even be used for them to hire a lobbyist or a lobbying firm for that activity. So I wanted to make that clear.

I support the Senator from Pennsylvania. The Appalachian Council has done a great job. They are doing great work in a number of States. The Working for America Institute, again, is one that has proven its worth. It has been widely supported throughout America, through business concerns, and State workforce investment boards all over this country.

Now is not the time to pull the rug out from underneath them. So I would join with Senator SPECTER in opposing the DeMint amendment.

I yield to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, just a supplemental comment or two. The Job Corps program, which is part of this overall operation, funds young people ages 16 through 24. In Philadelphia, there is a program which places graduates with 61 major health care employers in higher skill jobs which are in great demand in Philadelphia. That attacks an area of great importance, considering the homicide rate in Philadelphia, much of which is caused by young people, so many at-risk youth. This goes right to the heart of a very serious problem, to support the funding.

I want to supplement that, too, with the hearing which we held on July 22, 2004, where we had extensive testimony taken on the subject to establish the value of the program.

How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. Just under 1 minute 50 seconds.

Mr. SPECTER. We reserve the remainder of that time awaiting the argument of the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina. The Senator has 30 seconds.

Mr. DEMINT. Mr. President, I agree with all the purposes the Senator stated, all of the ideas of getting teenagers to work in Philadelphia. All of those things are good. I am not taking argument with any of them. If the AFL–CIO is the best source to deliver these services, there should not be any problem with this at all. All we are asking is to make this a competitive grant so that we can have criteria and accountability in a system so that what we want to accomplish will actually get accomplished. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. When you talk about accountability, it is present. It is an open book. The Job Corps is administered by the Department of Labor. It is not unusual to have a sole-source contract. When you have somebody like the AFL–CIO, which has so much knowledge, and so many of their experts are at work on this program, it makes very good sense to give the opportunity to carry out the program. It is all subject to the review by the Department of Labor. I think the quality of this program speaks for itself. There is agreement on it. It has an important purpose. I believe the record shows that these funds have been wisely spent.

I yield the floor.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. HARKIN. Mr. President, I move to table the DeMint amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second. The yeas and nays are ordered. Under the previous order, that vote will occur after debate on the Coburn amendment.

AMENDMENT NO. 3358

Mr. HARKIN. Mr. President, now we are going to go to the Coburn amendment.

I ask unanimous consent that the vote sequence be changed and that the vote in relation to the Coburn amendment be second in the sequence; that the remaining provisions remain in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, amendment No. 3358 is a pending amendment we discussed this last Friday. I believe under the unanimous consent agreement I have 10 minutes, and those in opposition do also. I am going to speak a few moments, if I may.

What the country is looking for us to do is to choose priorities, to make good choices about the priorities of what we do with their money. Quite frankly, there has not been a top-down review on all the Government programs, ever. We have had very limited oversight hearings, which should be the No. 1 part of our job. And we have in front of us a bill that has $400 million in directed earmarks, which we think, through what the appropriations process has brought to us, is an important priority.

What this amendment says is that we are going to give the Members of the Senate an opportunity to vote on whether those are the most important priorities or whether we ought to have children's health care because what this amendment does is redirects this money in abeyance until we say we have the kids in this country covered.

There is a large debate over the SCHIP bill that the President recently vetoed. There are a lot of things wrong with it. It is not wrong to help poor kids get health care. Nobody in the Senate opposed that. What they did oppose is changing, under the guise of a debate for children, a debate of having the Government start running all of the health care for kids. What it did do is spend $4,000 to buy $2,300 worth of care, and a lot of other things.

So what this amendment is about is asking the Senate to choose—choose your directed earmarks for back home or make a statement that says: We really believe kids health care is important, and we are not going to spend the money on directed earmarks until we have solved that problem.

I know this makes some of my colleagues bristle, that we would challenge the direction. This is not saying specific earmarks are not good ideas. A lot of the earmarks in this bill are good ideas. What it does say is: Should they be a priority before we take care of one of the greatest problems this country is facing, which is health care? Are we going to go after and really change health care to where we get value, we get controllable costs, we get freedom of choice, or are we going to continue to do the same thing of putting earmarks into bills and ignoring the big problems that are in front of us?

So what this amendment says is that until the Secretary of HHS, whoever they may be, certifies that we have the kids under 18 in this country covered, we should not be spending money on directed political benefits for ourselves and our careers; instead, we should be spending our time solving the health care needs of the kids in our country.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time in opposition? The Senator from Iowa.

Mr. HARKIN. Mr. President, I assume it comes as no surprise that I oppose the amendment offered by the Senator from Oklahoma.

I appreciate that the amendment of the Senator from Oklahoma raises again the issue of children's health care. I think that debate should go on since the plight of poor children in this country needs as much attention as we can give it. But I do not think this amendment is serious about addressing the health of children. The amendment does not put any money into it at all; it just says that we will not have any congressionally directed funding until every child in America has health care coverage. I believe that is the way it is worded. So it really does not fund it. It does not do anything at all. I think it is the kind of thing that kind of gives Congress a bad name in that we say we

want to do these things, but we do not provide any funding for them.

We really already know how to increase the number of children insured in this country—by providing an increase in the SCHIP bill program. The Senate recently voted 68 to 31 to do that—68 to 31, pretty overwhelming. That bill would have provided insurance to millions of children who do not have any. Well, maybe the Senator from Oklahoma did not agree with how that was done but, nonetheless, 68 Senators did agree on both sides of the aisle on that approach.

So, again, if the Senator was really concerned about the plight of these children, I would suggest that rather then voting against the SCHIP bill, which obviously provides some guidance and direction, that there is another way of doing it. Again, I point out that the Senate voted overwhelmingly to do that.

That vote on SCHIP was a key one on children's health insurance, not a completely unrelated vote dealing with congressionally directed spending, which is what this is.

I say to my friend from Oklahoma, if he wants more kids to have health insurance, then vote for a bill that would provide more health insurance to kids. If it is not the SCHIP bill, then what is it? It has been suggested that maybe a vote for the Coburn amendment might be a nice cover vote for those who oppose the SCHIP bill. I don't think so. Perhaps more and more people are finding out that a vote against the SCHIP bill was not a very popular one, as we hear from communities and States. But an amendment such as this doesn't change the facts about the SCHIP bill, one way or the other.

I also disagree with the Senator's implication, if I might say, that congressionally directed projects in the bill are unworthy of Federal spending. I am proud of the projects I included in this bill. I will be glad to defend every one of them. Again, with the transparency we have that came with the new ethics reform bill, all of these have been spread upon the record. We know who asked for them and we know how much money is involved. I am happy to defend every one of the ones I put in there. I should add that many of the projects the Senator wants to eliminate are, in fact, directed to children's health. Let me cite a few examples.

There is congressionally directed funding for St. Francis Hospital in Delaware to expand prenatal maternity and pediatric services to indigents. There is funding for the Youth Crisis Center in Jacksonville, FL to address the serious health consequences facing runaway and homeless youth. There is funding for St. Luke's Regional Medical Center in Boise, ID to expand pediatric services. There is funding for the St. Louis Children's Hospital in St. Louis for neonatal intensive care unit expansion. There is funding for the Mississippi Gulf Coast Children's Health Project which uses mobile units to provide primary care to indigent children along the gulf coast. There is funding for Child Sight in New Mexico, a vision screening and eyeglass program especially for Native Americans on reservations. There is funding for St. Anthony's Hospital in Oklahoma City for construction of a newborn nursery. All of these would be cut out if the amendment were adopted. They are good provisions, and they will go a long way toward helping children's health in all of these instances.

Again, I don't see this as a serious means of doing anything to help children's health. It is an attack on congressionally directed funding to which the Senator is opposed. As I said, I support congressionally directed funding. I always have. I especially support it now with the new provisions on transparency and accountability as a result of the ethics bill we recently passed.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPECTER. How much time remains?

The ACTING PRESIDENT pro tempore. The opposition has 4 minutes 50 seconds. The proponents have 6 minutes 50 seconds.

Who yields time?

Mr. HARKIN. I yield to the Senator whatever time he requires.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. I thank the chairman.

Mr. President, the Senator from Iowa, chairman of the subcommittee, has already advanced the substantive argument about our efforts to deal with health care for children. I have supported it with a very solid vote. We will take care of that issue. The President has vetoed the bill, and I and others have signified our willingness to vote to override. It was not overridden in the House. The President has signified his willingness to negotiate. There are some who do not want to negotiate on the congressional side. I believe that is a mistake. If they want to attach political blame to the President if the program should lapse, ultimately, we will have a negotiation because the American people would see through the facade and understand that those who refuse to negotiate are the ones responsible if the program lapses and is terminated. We will take care of congressional and Federal action for children's health.

What the amendment seeks to do is to eliminate earmarks. Earmarks have a specific congressional designation budget-wise and are vitally important projects, such as the dredging of the Delaware in Philadelphia to provide a 45-foot channel which traditionally has been the responsibility of the Federal Government under constitutional provisions on waterways and related matters. It would eliminate flood control, which is vital. It would eliminate many items where there is congressional expertise and understanding.

Take the budget that is on the floor now. It is $152 billion. We have allocated $400 million, which is about one-quarter of 1 percent. So 99¾ percent goes to the bureaucrats in the Department of Education, the Department of Health and Human Services, and the Department of Labor. I suggest that is an imbalance. People in the House of Representatives know their districts much better than people sitting downtown in big bureaus in Washington. Senators know their States better than the bureaucrats. I dare say the astute Senator from Oklahoma, the proponent of this amendment, knows what is going on in Oklahoma better than the bureaucrats and would be in a better position to identify projects which are worthwhile. But to limit congressional control to one-quarter of 1 percent is certainly not appropriate, certainly not overbearing. I wouldn't call it de minimis because no dollar amount is de minimis. We understand it is not the Government's money; it is the taxpayers' money.

The Senator from Iowa has made a very fundamental point. In fact, he made a couple of fundamental points; in fact, he has made several fundamental points. One is the transparency. It is all out in the open. We are prepared to debate any move to strike any of the so-called earmarks. Earmarks has become a dirty word. But when you reach a real need somewhere and have an application for Federal funds that a Member of the House or the Senate understands, and in the broader context of one-quarter of 1 percent, I don't think that goes too far to having Members who know their States and know their districts make those allocations.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. COBURN. Mr. President, may I inquire as to the remaining time?

The ACTING PRESIDENT pro tempore. The Senator has 6 minutes 50 seconds, and the opposition has 23 seconds.

Mr. COBURN. I thank the Chair.

I stand somewhat amused that we are so powerless that the bureaucracy is going to decide where everything goes. Earmarks are not the only way to decide how the budget is put out, and the fact that we use the excuse that we don't have any control, it is called oversight. Last year in the last Congress more oversight hearings were held by myself and TOM CARPER, true oversight hearings, than all the rest of the Senate. The fact is, we don't want to do the hard work of oversight because it is easy to earmark something. But in fact, in dredging, you can hold the Corps of Engineers to a priority list. You can bring them before Congress and say: Why aren't you dredging this? How is this a priority against something else? We don't do the hard work of oversight. That is our problem. Instead, we want to do it the easy way.

I don't deny these are good projects. They are. I am not saying they are not. What I am saying is, what about the long term? What about the fact that a

child born today is inheriting $400,000 in unfunded liabilities and that earmarks happen to be the tool that allows us to spend more than we should, not directly through the earmarks but by voting for bills that should not be voted on? But because we have an earmark in the bill, we vote for the bill.

We have an unfunded liability right now on Medicare of $34 billion. We are never going to be trusted to fix that problem when we can't be trusted to have an arm's-length separate allocation and look at what the problems are in front of us in terms of labor, health, and human services.

I don't deny what people want to do in this bill could be prioritized. But the number of requests were 36,000 this year. The fact is, can we get what are priorities for this country if we continue the process of using earmarks?

How about children's health? Yes, we passed a bill. We passed a bill that truly wasn't paid for unless we want 22 million Americans to start smoking. We passed a bill that said: We are going to pay $4,000 to buy $2,300 worth of care. We are great stewards when it comes to the American taxpayers' money on this new SCHIP bill. There is no question we are going to get an SCHIP bill. That SCHIP bill is going to truly reflect the needs of the poor people who are not eligible for Medicaid. We are going to put the money there we need to accomplish that. But to confuse that bill with a process which has got us $9.5 trillion in debt and hung every one of our kids out to dry, that is what this amendment is about. It is the process I am attacking.

I am not attacking individual Senators. I am saying if we are going to get control of the spending, at some point in the future we have to look at the process and how it works. For us to say it is easier for us to earmark than to hold the bureaucracy accountable means we are not doing our job. We can hold the bureaucracies accountable. All we have to do is have an oversight hearing three times a week and make them come up here and explain how they are spending their money. They will start spending on priorities Americans want. We don't have our hands tied behind us just because we don't do earmarks.

The real question America is asking is, are we going to change our ways about real priorities, the real future for our country, or are we going to continue the same old process that has brought us all the corruption we have seen come through the House in the past that leads to conflicts of interest?

We talk about transparency. We gutted the transparency rules as far as appropriations are concerned in this bill and in our ethics bill, because no longer do you say who is getting it or what it is for. You only say where it is going. The very things that are in the House bill in terms of transparency are not available to us in the Senate, so we can't claim transparency. We are going to get transparency in September of next year when the transparency bill comes about.

Senator HARKIN mentioned that we didn't offer an option. Senator BURR and I both did, the Every American Kid Insured Act. We talked about it on this floor during the debate on the SCHIP bill. There are other ways to do this. Give them all a tax credit. Let them buy the insurance. We have 9 million kids out there uninsured, 3 million more within 1 year. There are ways for us to solve that. But this is not a farce amendment. This is an amendment about a very real problem. Will we have the right priorities when it comes to this country or are we going to send $42 million to international labor organizations with no accountability whatsoever from the United Nations? That is what we are doing. That is what this bill does. We have another $400 million worth of earmarks that are not competitively bid and will never be overseen, and you will never see where the money goes. So the question on the amendment is, will we change the process.

It is a serious amendment. We should not be earmarking things until we do our business of taking care of kids' insurance.

With that, I yield the floor.

Mr. SPECTER. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There is 23 seconds remaining for the opposition.

Mr. HARKIN. Mr. President, I point out that the Coburn amendment doesn't put 1 cent into helping children's health, not 1 penny. Yet in the bill itself, as I pointed out, there are a number of programs that actually go to help children's health all over this country. The Coburn amendment would eradicate those.

Mr. COBURN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

At the moment there is not a sufficient second.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I do want to give the yeas and nays to the Senator. I was just going to move to table the amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second on the amendment itself?

Mr. HARKIN. Yes.

The ACTING PRESIDENT pro tempore. There appears to be a sufficient second.

The yeas and nays were ordered.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, parliamentary inquiry: As to the unanimous consent request that we agreed to, was it not agreed to that we were going to have votes on these amendments up or down?

Mr. HARKIN. No.

Mr. COBURN. That was not part of the unanimous consent agreement? Fine.

Mr. HARKIN. Mr. President, I say to my friend from Oklahoma, it was on or in relation to. So, yes, ask that again.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. The yeas and nays have been ordered on the amendment itself.

The Senator from Pennsylvania

Mr. SPECTER. Mr. President, on the matter of management, after these votes we will move ahead to take up any other amendments that any Senators wish to offer. We had an understanding to conclude this bill by 12:30 today, and we are anxious to come as close to that time as we can. If Senators want to pursue any other amendments, they ought to consult with the managers immediately or we intend to go to third reading to complete this bill.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I say to my friend from Pennsylvania, I think we are getting close. With these three votes coming up now, hopefully we are just a few amendments away from completing the bill, and hopefully we will have it done early this afternoon. I had hoped we would have it done by 12:30, but that does not look possible. But we are getting close. I hope when Senators come over to the Chamber we can work out some other amendments that are pending at this time, and perhaps we can get a consent to limit the number of amendments and bring closure to this bill sometime early this afternoon.

AMENDMENT NO. 3437

The ACTING PRESIDENT pro tempore. Under the previous order, the question recurs on the Enzi amendment. There is 2 minutes evenly divided.

The Senator from Wyoming.

Mr. ENZI. Mr. President, again, I would ask that Senators support my amendment to strike what we are talking about, which is an earmark of $6.2 million for San Francisco and another $3 million for a few other towns.

We are changing law that we passed less than a year ago under an authorization process. It is much harder to pass an authorization bill than it is an appropriations bill. We should not be changing formulas under an appropriations bill.

The GAO numbers that we said would happen are approximately what has happened. Of the $9 million, San Francisco gets $6.2 million. They already get twice as much per HIV/AIDS case as any of the rest of the towns. We put in a hold harmless provision so nobody would lose more than 5 percent of their money. We have been staying by that. We did not guarantee supplemental money. That was done less than a year ago. This is an earmark.

There were waiting lines for people who needed HIV treatment and care. There are no waiting lines today. What we did last year worked. We should not change it under appropriations now.

I ask that you vote for my amendment.

The PRESIDING OFFICER (Mr. CASEY). The Senator's 1 minute has expired.

There is 1 minute in opposition to the amendment.

Who yields time?

Mr. HARKIN. Mr. President, since no one wants to be recognized in opposition, I yield back the time.

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3437.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''no.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 28, as follows:

[Rollcall Vote No. 383 Leg.]

YEAS—65

Alexander	Crapo	Lugar
Allard	DeMint	Martinez
Barrasso	Dole	McConnell
Bennett	Domenici	Mikulski
Bingaman	Dorgan	Murkowski
Bond	Durbin	Nelson (FL)
Brown	Ensign	Nelson (NE)
Brownback	Enzi	Pryor
Bunning	Graham	Roberts
Burr	Grassley	Salazar
Cardin	Gregg	Sessions
Carper	Hagel	Shelby
Casey	Harkin	Smith
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Tester
Coleman	Isakson	Thune
Collins	Kohl	Vitter
Conrad	Kyl	Voinovich
Corker	Levin	Warner
Cornyn	Lincoln	Webb
Craig	Lott	

NAYS—28

Akaka	Kerry	Rockefeller
Baucus	Klobuchar	Sanders
Bayh	Landrieu	Schumer
Boxer	Lautenberg	Snowe
Byrd	Leahy	Specter
Cantwell	Lieberman	Stabenow
Feingold	Menendez	Whitehouse
Feinstein	Murray	Wyden
Inouye	Reed	
Johnson	Reid	

NOT VOTING—7

Biden	Kennedy	Obama
Clinton	McCain	
Dodd	McCaskill	

The amendment (No. 3437) was agreed to.

AMENDMENT NO. 3358

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Coburn amendment.

Who yields time?

Mr. HARKIN. Mr. President, first, I make a point of order that the Senate is not in order.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, we now proceed to 2 minutes on the Coburn amendment. After that, then we will have 2 minutes on the DeMint amendment and vote. These will be 10-minute votes as per the prior agreement.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, this is a straightforward amendment. It is an amendment about where our priorities lie. Do they lie in our directed spending or do they lie with the children of this country who aren't covered?

It is a very simple amendment. I know there are things in the bill for children, but the fact is out of the 9.5 million who are uncovered, we have 3.6 million who have not been covered for a year.

So this amendment simply states we are not going to spend any money on the directed spending until the HHS Secretary certifies that we have done our job in terms of taking care of the kids. Whether that is the SCHIP bill, negotiations with the administration or whatever it is, we are not going to spend the money.

Mr. HARKIN. Mr. President, I ask the Senate please be called to order.

The PRESIDING OFFICER. The Senate will come to order.

The senior Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the issue of providing health care for children will be taken care of on the SCHIP bill, which ultimately will be subject to negotiations between the President and the Congress. The allocations on earmarks amount to approximately one-quarter of 1 percent. Ninety-nine and three-quarters percent will go to the bureaucrats in the departments.

Members of the Senate and House have more knowledge about what is going on in their districts and their States, and this is a very modest application for very worthwhile programs. The Senator from Oklahoma conceded in the argument earlier that he is not challenging the worthwhileness of any of these programs. Any of them are subject to attack to be stricken, and they are all defensible.

I ask that the amendment of the Senator from Oklahoma be rejected.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 26, as follows:

[Rollcall Vote No. 384 Leg.]

YEAS—68

Akaka	Grassley	Nelson (NE)
Alexander	Gregg	Pryor
Baucus	Hagel	Reed
Bayh	Harkin	Reid
Bennett	Hatch	Roberts
Bingaman	Hutchison	Rockefeller
Bond	Inouye	Salazar
Boxer	Johnson	Sanders
Brown	Kerry	Schumer
Byrd	Klobuchar	Shelby
Cantwell	Kohl	Smith
Cardin	Landrieu	Snowe
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Cochran	Levin	Stevens
Coleman	Lieberman	Sununu
Collins	Lincoln	Tester
Conrad	Lugar	Voinovich
Craig	Menendez	Warner
Domenici	Mikulski	Webb
Dorgan	Murkowski	Whitehouse
Durbin	Murray	Wyden
Feinstein	Nelson (FL)	

NAYS—26

Allard	Crapo	Kyl
Barrasso	DeMint	Lott
Brownback	Dole	Martinez
Bunning	Ensign	McCaskill
Burr	Enzi	McConnell
Chambliss	Feingold	Sessions
Coburn	Graham	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Kennedy	Obama

The motion was agreed to.

AMENDMENT NO. 3387

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand there will now be 2 minutes prior to the vote on the DeMint amendment, which we already have moved.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I appreciate my colleagues' attention. I would first like to ask unanimous consent to add Senator ENZI as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I want to make clear to my colleagues that my amendment does not remove any money from this bill for its intended purpose. In fact, the amendment addresses the Workforce Investment Act, money that goes to training and job

placement in several places in the country. My amendment only changes the language from a sole-source noncompetitive grant, which we would refer to as a direct earmark, to a competitive grant.

We have all seen that the competitive grant system is a better way to deliver Federal money to specific causes that we support as a Senate because there are criteria, there are standards, and there is accountability. So we are not excluding the AFL–CIO as a provider of the services that we intend, but it opens it for competitive bids. And it is important to realize that the Department of Labor, after judging the performance of the AFL–CIO, has found the performance lacking and has discontinued the contracts.

So please open this for competitive bidding. Please vote no on the motion to table.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this program has been in operation for decades and has proven to be very effective. A hearing held by the subcommittee back on July 22, 2004, went into some of the detail. The program addresses job training and Job Corps. One program, illustratively, in Philadelphia seeks to give training to young people who are at risk, come from broken families—no father and a working mother. It is directed toward training across the Appalachian Council, States in the Rust Belt, which have been hit very hard by unfair foreign competition, to have training and to have workmanship skills developed.

It has been a successful program, and it ought to be retained. Vote aye to table.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 34, as follows:

[Rollcall Vote No. 385 Leg.]

YEAS—60

Akaka	Brown	Coleman
Baucus	Byrd	Collins
Bayh	Cantwell	Conrad
Bennett	Cardin	Domenici
Bingaman	Carper	Dorgan
Bond	Casey	Durbin
Boxer	Cochran	Feinstein
Harkin	McCaskill	Sanders
Inouye	Menendez	Schumer
Johnson	Mikulski	Smith
Kerry	Murkowski	Snowe
Klobuchar	Murray	Specter
Kohl	Nelson (FL)	Stabenow
Landrieu	Nelson (NE)	Stevens
Lautenberg	Pryor	Tester
Leahy	Reed	Voinovich
Levin	Reid	Warner
Lieberman	Roberts	Webb
Lincoln	Rockefeller	Whitehouse
Martinez	Salazar	Wyden

NAYS—34

Alexander	DeMint	Isakson
Allard	Dole	Kyl
Barrasso	Ensign	Lott
Brownback	Enzi	Lugar
Bunning	Feingold	McConnell
Burr	Graham	Sessions
Chambliss	Grassley	Shelby
Coburn	Gregg	Sununu
Corker	Hagel	Thune
Cornyn	Hatch	Vitter
Craig	Hutchison	
Crapo	Inhofe	

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Kennedy	Obama

The motion was agreed to.

Mr. KERRY. Mr. President, I ask unanimous consent the order be delayed so the manager can propose a unanimous consent so that I can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa is recognized.

AMENDMENTS NOS. 3351, AS MODIFIED; 3376, AS MODIFIED; 3397, 3401, 3430, 3436, 3418, AND 3388 EN BLOC

Mr. HARKIN. Mr. President, if the Senator from Massachusetts will withhold for a second, I have two modifications I send to the desk, a modification of amendment No. 3351, a Smith amendment, and amendment No. 3376. I have two modifications I send to the desk.

The PRESIDING OFFICER. Without objection, the amendments are so modified.

Mr. HARKIN. Mr. President, I call up amendments No. 3351, as modified; 3376, as modified; 3397, by Senator LAUTENBERG; 3401, by Senator CARDIN; amendment No. 3430, by Senator FEINGOLD; amendment No. 3436, by Senator HATCH; amendment No. 3418, by Senator LIEBERMAN; and amendment No. 3388, by Senator DEMINT. These have all been agreed to. I ask for their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the amendments will be considered en bloc.

If there is no further debate, the amendments are agreed to without objection, en bloc.

The amendments considered and agreed to en bloc are as follows:

AMENDMENT NO. 3351, AS MODIFIED

At the end of title II, add the following:

SEC. ____. (a) The amount made available under the heading ''AGING SERVICES PROGRAMS'' under the heading ''ADMINISTRATION ON AGING'' in this title shall be increased by $10,000,000 of which—

(1) $5,000,000 shall be used to carry out part B of title III of the Older Americans Act of 1965 (42 U.S.C. 3030d) for fiscal year 2008 (for supportive services and senior centers to allow area agencies on aging to account for projected growth in the population of older individuals, and inflation);

(2) $2,000,000 shall be used to carry out part C of title III of such Act (42 U.S.C. 3030d–21 et seq.) for fiscal year 2008 (for congregate and home-delivered nutrition services to help account for increased gas and food costs); and

(3) $3,000,000 shall be used to carry out part E of title III of such Act (42 U.S.C. 3030s et seq.) for fiscal year 2008 (for the National Family Caregiver Support Program to fund the program at the level authorized for that program under that Act (42 U.S.C. 3001 et seq.)).

(b)(1) The 3 amounts described in paragraph (2) shall be reduced on a pro rata basis, to achieve a total reduction of $10,000,000.

(2) The amounts referred to in paragraph (1) are—

(A) the amount made available under the heading ''SALARIES AND EXPENSES'' under the heading ''DEPARTMENTAL MANAGEMENT'' in title I, for administration or travel expenses;

(B) the amount made available under the heading ''GENERAL DEPARTMENTAL MANAGEMENT'' under the heading ''OFFICE OF THE SECRETARY'' in this title, for administration or travel expenses; and

(C) the amount made available under the heading ''PROGRAM ADMINISTRATION'' under the heading ''DEPARTMENTAL MANAGEMENT'' in title III, for administration or travel expenses.

At the appropriate place in title II, insert the following:

SEC. ____. (a) Notwithstanding any other provision of this Act, there shall be made available under this Act a total of $7,500,000 for the National Violent Death Reporting System within the Centers for Disease Control and Prevention.

(b) Amounts made available under this Act for travel and administrative expenses for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be further reduced on a pro rata basis by the percentage necessary to decrease the overall amount of such spending by $7,500,000.

AMENDMENT 3397

(Purpose: To require the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, to submit a report to the Committee on Appropriations of the Senate on workers' compensation set-asides under the Medicare secondary payer set-aside provisions under title XVIII of the Social Security Act)

At the appropriate place in title II, insert the following:

SEC. ____. (a) Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services, shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives on workers' compensation set-asides under the Medicare secondary payer set-aside provisions under title XVIII of the Social Security Act.

(b) The report described in subsection (a) shall contain the following information:

(1) The number of workers' compensation set-aside determination requests that have been pending for more than 60 days from the date of the initial submission for a workers' compensation set-aside determination.

(2) The average amount of time taken between the date of the initial submission for a workers' compensation set-aside determination request and the date of the final determination by the Centers for Medicare & Medicaid Services.

(3) The breakout of conditional payments recovered when workers' compensation is the primary payer separate from the amounts in Workers' Compensation Medicare Set-aside Accounts (in this section referred to as ''WCMSAs'').

(4) The aggregate amounts allocated in WCMSAs and disbursements from WCMSAs for fiscal year 2005 and fiscal year 2006.

(5) The number of conditional payment requests pending with regard to WCMSAs after 60 days from the date of the submission of the request.

(6) The number of WCMSAs that do not receive a determination based on the initial complete submission.

(7) Any other information determined appropriate by the Congressional Budget Office in order to determine the baseline revenue and expenditures associated with such workers' compensation set-asides.

AMENDMENT NO. 3401

(Purpose: To express the sense of the Senate that the Secretary of Health and Human Services should maintain ''deemed status'' coverage under the Medicare program for clinical trials that are federally funded or reviewed as provided for by the Executive Memorandum of June 2000)

On the appropriate place, insert the following:

SEC. ____. It is the sense of the Senate that the Secretary of Health and Human Services should maintain ''deemed status'' coverage under the Medicare program for clinical trials that are federally funded or reviewed, as provided for by the Executive Memorandum of June 2000.

AMENDMENT NO. 3430

(Purpose: To require the Comptroller General of the United States to submit a report to Congress on student preparation techniques for standards-based assessments)

At the end of title III, add the following:

SEC. ____. (a) Not later than May 31, 2009, the Comptroller General of the United States shall submit a report to Congress on student preparation techniques to meet State academic achievement standards and achieve on State academic assessments.

(b) The report required under subsection (a) shall include a compilation of data collected from surveying a representative sample of schools across the Nation to determine the range of techniques that schools are using in order to prepare students to meet State academic achievement standards and achieve on State academic assessments, including the extent to which schools have—

(1) extended the school day;

(2) hired curriculum specialists to train teachers or work with individual students or small groups of students;

(3) de-emphasized academic subjects of which State academic achievement standards and assessments are not required under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

(4) used commercial test preparation material;

(5) provided increased professional development for teachers;

(6) targeted low-performing students for specialized instruction or tutoring;

(7) instituted formative or benchmark exams;

(8) distributed old exam questions to teachers and students and focused instruction on these old exam questions;

(9) increased instructional time on tested subjects; or

(10) used any other techniques to prepare students to meet State academic achievement standards and achieve on State academic assessments.

(c) The data collected pursuant to this section shall be reported—

(1) as data for all schools; and

(2) as data disaggregated by—

(A) high-poverty schools;

(B) low-poverty schools;

(C) schools with a student enrollment consisting of a majority of minority students;

(D) schools with a student enrollment consisting of a majority of non-minority students;

(E) urban schools;

(F) suburban schools;

(G) rural schools; and

(H) schools identified as in need of improvement under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316).

(d) The representative sample described in subsection (b) shall be designed in such a manner as to provide valid, reliable, and accurate information as well as sufficient sample sizes for each type of school described in subsection (c).

AMENDMENT NO. 3436

(Purpose: To assess the impact of education funding in western States with a high proportion of public lands)

At the appropriate place, insert the following:

''*Provided further*, That the Secretary of Education shall assess the impact on education felt by students in States with a high proportion of Federal land compared to students in non-public land States. The study shall consider current student teacher ratios, trends in student teacher ratios, the proportion of property tax dedicated to education in each State, and the impact of these and other factors on education in public land States. The Secretary shall submit the report not later than 1 year after the date of the enactment of this Act.''

AMENDMENT NO. 3418

(Purpose: To prohibit the use of funds to close a field office of the Social Security Administration before submission of a report justifying the closure)

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act or any other Act making appropriations to the agencies funded by this Act may be used to close or otherwise cease to operate the field office of the Social Security Administration located in Bristol, Connecticut, before the date on which the Commissioner of Social Security submits to the appropriate committees of Congress a comprehensive and detailed report outlining and justifying the process for selecting field offices to be closed. Such report shall include—

(1) a thorough analysis of the criteria used for selecting field offices for closure and how the Commissioner of Social Security analyzes and considers factors relating to transportation and communication burdens faced by elderly and disabled citizens as a result of field office closures, including the extent to which elderly citizens have access to, and competence with, online services; and

(2) for each field office proposed to be closed during fiscal year 2007 or 2008, including the office located in Bristol, Connecticut, a thorough cost-benefit analysis for each such closure that takes into account—

(A) the savings anticipated as a result of the closure;

(B) the anticipated burdens placed on elderly and disabled citizens; and

(C) any costs associated with replacement services and provisional contact stations.

AMENDMENT NO. 3388

(Purpose: To prohibit the use of funds by cities that provide safe havens to illegal drug users)

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated in this Act may be allocated, directed, or otherwise made available to cities that provide safe haven to illegal drug users through the use of illegal drug injection facilities.

AMENDMENTS NOS. 3350 AND 3446 WITHDRAWN

Mr. HARKIN. Mr. President, regarding amendment No. 3350 by Senator LAUTENBERG and No. 3446 by Senator LANDRIEU, I ask unanimous consent they both be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

AMENDMENT NO. 3398 TO AMENDMENT NO. 3325

Mr. KERRY. Mr. President, I know we want to and need to break for recess in a moment so I will not be very long at all. I call up amendment No. 3398. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 3398.

Mr. KERRY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3398

(Purpose: To provice funding for the Fire Fighter Fatality Investigation and Prevention Program)

At the appropriate place in title I, insert the following:

SEC. ____. To enable the National Institute for Occupational Safety and Health to carry out the Fire Fighter Fatality Investigation and Prevention Program, $5,000,000, which shall include any other amounts made available under this Act for such Program. Amounts made available under this Act for travel expenses 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 the percentage necessary to decrease the overall amount of such spending by $2,500,000.

Mr. KERRY. Mr. President, in February of this year, I sent a letter to the inspector general for the Department of Health and Human Services regarding a report from the Centers for Disease Control that actually blocked an investigation into the death of six firefighters whose personal safety equipment had failed them between 1998 and the year 2000. In the response to me, the inspector general reported that funding of the current funds that exist in the Firefighter Fatality Investigation and Prevention Fund within the National Institutes of Occupational Health and Safety is flat. Their resources are such that they have had to

pick and choose where they can conduct those kinds of investigations.

Every year, about 100 firefighters die in the line of duty in America and about 87,000 are injured. This fund is an investigative fund that helps find ways in which we can protect firefighter lives—whether there is a certain kind of equipment that might have made a difference or a certain procedure that might have made a difference. Obviously, for those fire stations, fire houses with the losses or those that face a future risk, to know we are selectively choosing where we investigate and where we do not does not do the job. We need to investigate all of those fatalities, and we need to do everything possible to provide our firefighters the procedures and equipment necessary to save lives.

This funding will add an additional $2.5 million to that investigative fund and allow us to complete our responsibility to those courageous firefighters across the country.

I ask unanimous consent a letter from the International Association of Fire Fighters and the International Association of Fire Chiefs be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

October 18, 2007.

Hon. JOHN F. KERRY
304 Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KERRY: On behalf of the International Association of Fire Chiefs, representing nearly 13,000 chief fire and emergency officers, and the International Association of Fire Fighters, representing more than 280,000 professional fire fighters and emergency medical personnel, we are writing to express our strong support for your amendment to the FY 2008 Labor, Health and Human Services, Education and Related Agencies Appropriations Act providing $5 million for the Fire Fighter Fatality Investigation and Prevention Program (FFFIPP) of the National Institute for Occupational Safety and Health (NIOSH).

Of the 1.1 million fire fighters who selflessly serve their communities and their country, approximately 100 die on the job each year. Additionally, the National Fire Protection Association estimates that 80,100 fire fighter injuries occurred in the line of duty in 2005 alone. The FFFIPP is instrumental in discovering the primary factors contributing to fire fighter deaths and recommending ways to prevent future deaths and injuries.

Since its inception in 1998, the FFFIPP—in cooperation with fire departments and fire fighters around the country—has conducted over 300 fatality investigations. The findings and recommendations of these investigations have led to increased awareness of fire fighter safety and health hazards, and led to numerous cooperative efforts among and between the fire service and NIOSH to improve fire fighter safety and health.

Despite such successes, fatality investigations are not as common nor as comprehensive as they should be. According to a recent report by the inspector general of the Department of Health and Human Services, such shortcomings are caused, in part, by a lack of resources.

Congress clearly intended for NIOSH to thoroughly investigate every fire fighter line-of-duty death. By doubling the funding allocated for the FFFIPP in FY 2007, your amendment will allow NIOSH to better fulfill its Congressional mandate and help prevent fire fighter injuries and deaths.

Thank you for your leadership in protecting the health and safety of our Nation's first responders. We look forward to continue working with you to prevent future deaths and injuries among fire fighters.

Sincerely,

CHIEF STEVEN P. WESTERMANN, CFO,
President, International Association of Fire Chiefs.

HAROLD A. SCHAITBERGER,
General President, International Association of Fire Fighters.

Mr. KERRY. I think both sides have now agreed to this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. HARKIN. Mr. President, can we withhold for a second? The amendment by the Senator from Massachusetts is accepted on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3398) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. I thank the Chair and the distinguished manager.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:41 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION APPROPRIATIONS ACT, 2008—Continued

The PRESIDING OFFICER. In my capacity as a Senator from the State of Delaware, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I ask to speak as in morning business.

The PRESIDING OFFICER. Without objection, the Senator is recognized.

CALIFORNIA WILDFIRES

Mrs. FEINSTEIN. Mr. President, I wanted to take a few minutes to do what Senator BOXER did yesterday, which is essentially to update the Senate on the catastrophic fires in California. I offer these words on behalf of Senator BOXER and myself.

Today there are 14 fires, big fires, burning in California. The bulk of them are uncontained and out of control. The containment factor is very small. More than half a million people have been told to evacuate their homes. More than 309,000 acres have been destroyed by fire, over 400 miles, from north of Los Angeles to San Diego and now across the Mexican border, and more, we fear, will be destroyed.

The deaths, fortunately, today are limited to one, with 34 injured throughout southern California, some of them firefighters. High wind and high temperatures persist. A red flag warning is in effect for the California coast from Monterey to the Mexican border. More than 1,000 homes have been destroyed; 11,500 are now threatened. Today more than 100 commercial buildings have been destroyed, and 2,000 are threatened; 52 outbuildings have been destroyed and 550 are threatened.

Health warnings have been issued because of smoke and particulate matter. As you know, these fires are driven by hurricane and gale-force Santa Ana winds, which are hot and contrary to the prevailing westerly flow, east to west. They are fueled by bone-dry brush from years of drought and virtually no humidity. Humidity is below 10 percent.

Fires are raging still in Malibu, at Lake Arrowhead in Irvine and Santa Clarita. The Arrowhead area is particularly dangerous because there are half a million acres of pine-beetle infested dead trees waiting to go up.

Of course, they are raging in San Diego County, which is bearing the brunt of two major fires which well could join. Already, the 300,000 people in San Diego County alone have been told to evacuate. More than 10,000 of them are now taking refuge in Qualcomm Stadium, home to the San Diego Chargers. These people will be there for 48 to 72 more hours and possibly more.

Sanitary supplies are going to become a problem. It is going to be a real effort to get food and water to these evacuees and the hundreds of thousands of people displaced around southern California.

Both Senator BOXER and I spoke to the Governor, and he has declared a seven-county disaster area. Yesterday the President declared southern California a disaster area to be able to speed the Federal Emergency Management Agency's relief, which is critical.

This is going to be a real test of FEMA. We are going to learn whether FEMA actually learned from the hurricane in New Orleans, a test of whether FEMA has gotten its act together post-Katrina.

FEMA must act quickly and urgently to get help to California. The State is going to need cots; it is going to need blankets; it is going to need water, food, and, most importantly, those sanitary facilities that are needed for the people who are camping out today, sleeping in cars, located in schools, or in Qualcomm Stadium.

Most importantly, this help has to be spread throughout the 14 different fire areas. It is not going to be enough to simply put it in one place.

Last night, the Secretary of the Interior informed me that the fires have crossed the line and are entering into Baja California, Mexico, and urged Mexican authorities to begin to speak out.

These fires are fast moving. You see them at a distance on a hill, and you do not believe you will be affected because the winds are contrary to what you expect. Then, suddenly, within a short period of time, 2 hours, the fire is upon you.

So people must be alert, and they must evacuate these fire areas. The military is pitching in. Fifteen hundred National Guard personnel are actively engaged or directly supporting firefighting efforts. We have 550 Active-Duty marines, 17,000 California National Guard personnel are available. I believe we have more than 5,300 State of California firefighters on the line, and hundreds more from local jurisdictions. Today, a combination of National Guard, Navy and Marine Corps aircraft, are either supporting firefighter efforts or are prepared to pitch in.

The problem is, with the wind and dense smoke, it is difficult for a plane or helicopter to know where they are going. Simply put, this is a disaster of huge proportions. It is catastrophic in terms of property loss and environmental damage.

Hopefully, it is not going to be a huge catastrophe in terms of loss of life. I do not think there is anything other than a catastrophic health incident that is more serious to a person or family than losing their home by flood or fire.

I know Californians will respond in their traditional stalwart and generous manner to help their neighbors. Both Senator BOXER's and my heart go out to all Californians today.

I ask unanimous consent that the specific statistical roundup of these larger fires be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Here is a roundup of the larger fires:

San Diego: Witch Fire (NE S.D. County, near Santa Ysabel, burning toward Ramona and Julian)—Acres burned: 145,000; containment: 0%; residents evacuated: 100,000+; structures destroyed: 500 homes, 100 commercial properties; structures threatened: 2,000 homes, 400 commercial properties; firefighters: 625; injuries: none reported.

San Diego: Harris Fire (SE S.D. County, 75 miles east of downtown San Diego near the Mexican border)—Acres burned: 22,000; containment: 5%; residents evacuated: 1,000+; firefighters: 400; deaths—injuries: 1 man killed, 5 firefighters and 20 civilians injured.

Malibu: Canyon Fire (Burning toward Pepperdine University and Pacific Ocean)—Acres burned: 3,800; containment: 10%; residents evacuated: 1,500; structures destroyed: 6 homes, 1 church; structures threatened: 600; firefighters: 1,500; injuries: none.

Agua Dulce—Santa Clarita: Buckweed Fire (Mint Canyon area, burning toward Magic Mountain)—Acres burned: 35,550; containment: 20%; residents evacuated: 15,000; structures destroyed: 15 homes, 17 outbuildings; structures threatened: 3,800; firefighters: 1,200; injuries: 1 firefighter and 3 residents.

Orange County: Santiago Fire (Silverado Canyon, burning toward Portola Springs and Northwood village of Irvine)—Acres burned: 15,000 acres; containment: 30%; structures destroyed: 1 outbuilding; structures threatened: 2,000; residents evacuated: unk.; firefighters: 492.

Lake Arrowhead: Slide and Grass Valley Fires (Green Valley Lake and Lake Gregory)—Acres burned: 1,800; containment: 0%; structures lost: at least 450 homes; structures threatened: 1,900; firefighters: 82 engines, 7 hand crews.

Mrs. FEINSTEIN. 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. For the benefit of Senators, I understand a number of Republicans are at the White House for a White House meeting until 3:30, so there will not be any votes between now and 3:30. However, we want to get amendments up and debated. Hopefully at around 3:30 or shortly thereafter we can start a series of votes. Right now we have four amendments pending and three more amendments that are not pending but will be called up shortly. One of those will be offered by the Senator from New Mexico. That is the lay of the land. It looks as if we are down to about seven votes, possibly, starting at or around 3:30 or shortly thereafter.

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. BINGAMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I understand there is still some checking to see if there is any objection to setting aside the pending amendment so I may offer an amendment. While we are waiting, I wish to describe the substance of the amendment I intend to offer.

This amendment is intended to reduce the Social Security backlog. Most of us who go back to our home States on weekends and during recesses know about the Social Security backlog. We hear from individuals in our States about how long they have to wait to find out whether their Social Security disability claims have been approved. We hear about elderly people waiting in long lines for service at Social Security offices. We hear about busy signals when they call the 1–800 number that is provided for people trying to find out the status of their Social Security claim. But I am not sure most of us understand the extent of the backlog, the consequences of it, or the reasons.

For more than 70 years Social Security has provided millions of American workers and their families with a basic level of protection against poverty when a worker can no longer work due to old age. Of course, we are all aware of disability now being covered by Social Security. Social Security benefits are the only means of survival for millions of individuals with severe disabilities. These individuals rely on the Social Security Administration to promptly and fairly adjudicate their applications for disability benefits. Unfortunately, we are witnessing a trend where this is simply not happening.

According to the Social Security Administration, there are currently over 756,000 cases waiting for hearing. That is not waiting for a final determination, waiting for a hearing. The average time to get a hearing is 523 days. That is the longest it has been in the history of the Social Security Administration. The average processing time for a hearing is projected to increase next year, based on the numbers we have in the appropriations bill before us. This is a problem for individuals with disabilities in my State of New Mexico.

Currently the average processing time per case in the Albuquerque hearing office is 528 days. Keep in mind, this is only the time it takes to get a hearing. This does not include the time it takes for an initial determination or for a final determination. This past May the Finance Committee, on which I am privileged to serve, received testimony indicating there are thousands of individuals with disabilities who currently have cases pending with the Social Security Administration and have had those cases pending for 3 years or more. The Finance Committee received testimony regarding the extreme hardships individuals with severe disabilities must endure while awaiting a final decision on their disability claims. We heard instance after instance where individuals with severe disabilities were unable to work and were forced to declare bankruptcy. They lost their homes, suffered deterioration in their medical conditions, and some even died while their claims lingered in Social Security Administration offices.

According to the Social Security Administration, staffing levels are at their lowest since 1972. Thirty years ago, the Social Security Administration had more than 82,000 employees. In 2005 the Social Security Administration had 66,000 employees. In a few months, the expected employment at the Social Security Administration will drop below 60,000.

Thousands of employees are leaving the Social Security Administration's field and hearing offices without being replaced. As many of us know, the field offices around the country are reducing their hours.

In Carlsbad, NM—which I visited 2 weeks ago—due to a reduction in hours of service, seniors and people with disabilities are forced to line up around

the building, often waiting hours to get served. Even worse, some field offices are shutting their doors permanently.

Meanwhile, since 1990, the number of disabled workers drawing disability benefits has more than doubled. That number has gone from 3 million in 1990 to 6.8 million today. Field offices are averaging over 850,000 visitors a week during this current year.

As we know from the press, the first baby boomer officially filed for Social Security last week. So the demands on Social Security are only going to increase. In addition, Congress has significantly increased the Social Security Administration's responsibilities as part of the Medicare Part D legislation.

So the Social Security Administration finds itself in a very dire circumstance. The Social Security Administration has over 1,400 field and hearing offices in cities and towns across the country. Mandatory costs, such as program integrity, rent, guards, postage, employees' salaries, and benefits are continuing to rise. Unfortunately, Congress appropriated on average each year for the last 7 years about $150 million less than the administration requested. The current budget situation has simply been compounded by years of sustained underfunding by the Congress.

According to the Social Security Administration, the present cost of processing the hearing backlog would be $794 million. The difference between the amount of funding requested for administrative expenses and the amount appropriated for fiscal years 2001 through 2007 is $962 million—more than enough to address the backlog. So if we had actually appropriated what the administration asked for during fiscal years 2001 through 2007, we would largely have this backlog problem solved. Unfortunately, we did not do that.

I thank the chairman and the ranking member of this subcommittee on the Appropriations Committee for their significant efforts to address the backlog. As you know, the chairman of the subcommittee has been a tireless leader on issues affecting individuals with disabilities. For decades, he has led the way in the Senate on reducing barriers for individuals with disabilities and ensuring full community participation.

Fortunately, the chairman and the ranking member recognized the current challenges individuals with disabilities are facing in accessing disability benefits, and they have worked hard to increase administrative funds for the Social Security Administration by $125 million over the amount that was requested by the President. I believe we all recognize how important that infusion of funds will be.

In the committee report accompanying the bill that we are considering, the chairman requested the Commissioner of Social Security to set forth a plan to reduce the backlog. As submitted, the Commissioner's plan would include: accelerating review of cases that are likely or certain to be approved; improving hearing procedures; increasing adjudicatory capacity; and increasing efficiency through automation and improved business processes.

Unfortunately, the amount of funding in the bill does not go far enough, in my view, to substantially reduce the backlog. According to the Commissioner, this amount of funding will merely ''stem the tide.'' It will not address the backlog in a significant way.

The fiscal year 2008 budget resolution—which we all considered on the floor, and many of us voted for—recommends an increase of $430 million above the President's request for the Social Security Administration's administrative budget in order to reduce this backlog. The amendment I am intending to offer later today would get us to half that amount by increasing the Social Security Administration's administrative budget by an additional $160 million. The amendment would give the Social Security Administration the resources it needs to reduce the backlog to help get rid of these long lines.

The amendment is paid for. The amendment would shift excess Medicare funds to pay for this critical increase in funding to the Social Security Administration in this 1 year. These offsetting funds have been identified in close collaboration with Finance Committee staff and, of course, Senator BAUCUS is a cosponsor of the amendment.

Importantly, these funds would be immediately replaced at the beginning of fiscal year 2009 with generally available funding that was passed as part of the Transitional Medical Assistance extenders package.

Finally, the amendment would also permit the U.S. Treasury Department to invest its excess operating capital. So this represents responsible oversight by the Treasury Department. This policy has been recommended by the Government Accountability Office and others. It is estimated this policy will generate tens of millions of dollars for the Federal Government over the next 10 years.

The bottom line is millions of American workers and their families—people whom we represent—rely on Social Security to protect them against poverty in the event they are no longer able to work. This incredible insurance program is breaking down because of our failure to fund the administration of the program.

So I urge my colleagues to support my amendment. It is being offered on behalf of myself, Senator SNOWE from Maine, and Senator BAUCUS from Montana.

Mr. President, I do not believe we have yet gotten to a point procedurally where I am able to offer the amendment, so I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

Who seeks recognition?

The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WEBB are printed in today's RECORD under ''Morning Business.'')

Mr. WEBB. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator yields back.

Who seeks recognition?

Mr. WEBB. 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. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CASEY are printed in today's RECORD under ''Morning Business.'')

Mr. CASEY. Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Vermont is recognized.

Mr. SANDERS. Madam President, let me take this opportunity to thank Senator HARKIN and his staff for their very hard work on the Labor-HHS legislation and commend the ranking member, Senator SPECTER, and his staff as well. The reality is that the needs facing the people of our country who are impacted by this bill are enormous. There is, unfortunately, not enough funding available to accommodate those needs, and within that context, Senator HARKIN and Senator SPECTER have done their very best.

I wish to say a few words about one particular program which is important to me, which is important to the people of Vermont, and which is vitally important to this whole country as we try to deal with the health care crisis our country is now facing, a crisis in which 47 million Americans have no health insurance, even more are underinsured, and the cost of health care is soaring every day. What this legislation deals with and I think deals with quite well is understanding that it is important for us to grow the number of community health centers in this country.

The community health center program is a wonderful success story, and it is widely recognized as one of the most cost-effective programs in the entire Federal Government. Community health centers are community-run. They are run by the people in the community themselves. They are run on a nonprofit basis. They provide not only affordable health care to their people but affordable dental care, which is a growing crisis all over rural America and in the State of Vermont. They provide mental health counseling—another serious issue. They provide low-

cost prescription drugs—in fact, the lowest cost prescription drugs available in America.

These federally qualified health centers serve people from all walks of life and all incomes. Whether you have private insurance, whether you have Medicare, whether you have Medicaid, or whether you have no health insurance, you are welcome into these community health centers. For those with no health insurance, payment is based on a sliding scale. If you don't have a whole lot of money, you don't have to pay a lot for your health or dental care.

Today, over 16 million Americans—16 million—benefit from the services health centers provide in every State and in almost every congressional district in our country. For an average Federal grant expenditure of only $124 per patient per year, these centers offer comprehensive health care, regardless of ability to pay. At a time when more and more Americans are losing their health insurance, when they are finding it hard to secure primary health care, these centers play an extraordinary role, and they deserve to be adequately funded.

This legislation provides $2.24 billion for the community health center program—a $250 million increase above the fiscal year 2007 level. I thank Senators Harkin and Specter very much for their support for this program. It is estimated that this increase will allow us to expand or create some 500 new community health centers all over this country, serving an additional 2 million Americans. That is a big deal at a time when millions and millions of people are unable to find primary health care or just don't have the funds to pay for it. Given the fact that we have 47 million uninsured, it is clear this is not enough, but it is a significant step forward.

In Vermont in recent years, we have expanded the number of federally qualified health centers from two to six, and my hope is that we can add an additional three or four more centers in the next 3 years. These centers now serve over 86,000 Vermonters and provide quality health care, quality dental care, low-cost prescription drugs, and mental health counseling in some 23 different locations around the State of Vermont. The centers are the medical home for 24 percent of Vermont's Medicaid beneficiaries and serve 19 percent of our uninsured.

Nationally, health centers are not only providing quality, efficient care in underserved communities, they are filling a major gap in our Nation's health care system where primary care is becoming a lost profession. It is no secret that in many parts of America, especially rural America, it is very, very hard for people to locate a primary health care physician. It is also imperative that these centers play a role, which allow people to go to them rather than flooding emergency rooms in hospitals, which are much more expensive.

In addition to this appropriations bill, we are also in the process of reauthorizing the community health center program in the Health, Education, Labor and Pensions Committee on which I serve, and I thank our chairman and our ranking member for putting forth this important legislation that has the support of 68 Members from both sides of the aisle.

So I think this issue of community health centers is very much an issue and an area supported by people from different political perspectives. It is doing an enormous job in providing health care to millions of Americans. I am glad we are going to take a step forward when we pass this legislation.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

METHAMPHETAMINE CONTROL

Mr. CRAPO. Madam President, in September, the Finance Committee held a hearing on the efficacy, over the past year, of the Combat Methamphetamine Epidemic Act, or the Combat Meth Act, for short. The Combat Meth Act implemented restrictions on drugs that go into the production of methamphetamines. Methamphetamine abuse has devastated lives, families, and communities across our Nation and across the world. The testimony given at this hearing by the U.S. Department of Homeland Security, the U.S. Department of State, and State agencies indicated that while the Combat Meth Act helped reduce the home production of methamphetamine across the U.S., it is now flowing at historic levels across our borders from countries where production controls are much less rigid.

A 2006 Substance Abuse and Mental Health Services Administration report found that my home State of Idaho had one of the highest rates of methamphetamine use in the preceding 12 months of those aged 12 and older. In rural Idaho, especially, the issue of methamphetamine abuse has almost become commonplace: I visit with local officials and community leaders to hear about problems affecting their community when I am home in Idaho. When I ask if it is still a problem, the response is almost always ''of course,'' as if the very question was a little naive. This troubles me greatly.

Thomas Siebel, chairman and founder of the highly successful Montana Meth Project, also testified at the September Finance Committee hearing on the Combat Meth Act. The Montana Meth Project was established in 2005 as a nonprofit organization created to reduce first-time methamphetamine use through public-service messaging, public policy and community outreach. In the 2 years since the project has been active in Montana, the State has gone from being fifth in the Nation for per capita meth use to 39th today—a staggering change. Adult meth use is down in Montana by as much as 70 percent. The Montana Meth Project is an example of a highly effective private sector education and prevention effort. This success is also good news for Arizona, Illinois and my State of Idaho, all three of which have started their own ''Meth Projects.'' While this is very encouraging, we have a long way to go.

Montana and Idaho are just two States that have been overwhelmingly affected by meth production, use and addiction. Rural communities nationwide have been hit particularly hard by the demand and presence of this lethal drug, creating major challenges for law enforcement, health and welfare and environmental protection agencies, not to mention our families and school systems.

I have been approached by police officers, community leaders, health advocates, school administrators, and criminal justice leaders about the severe toll that this drug takes on our citizens, particularly teens and young adults. They have witnessed destroyed relationships and families torn apart, all suffering from this drug that invades neighborhoods, friends, and families. According to Idaho's Department of Health and Welfare, the number of children in foster care increased by 40 percent between 2002 and 2006. Approximately 3,000 children enter foster care in Idaho every year; the majority of them are children of meth-addicted single mothers. Our children are the unwitting and helpless victims of this menacing drug epidemic.

There is some encouraging news but, as is the case with drug trafficking, it is tempered with alarming trends. In 1999, Idaho implemented an initiative to fight meth production, coordinating regional and State level law enforcement efforts. These efforts have proven highly successful. In 2000, 186 meth labs were seized. In 2004, the number had dropped to 38 thanks to this enhanced coordination strategy. According to Idaho law enforcement agencies, meth lab seizures are now at an all-time low, which has resulted in less danger to neighborhoods and communities, as well as to environmental protection workers who are responsible for doing clean up of these sites after they are seized.

At the Finance Committee hearing last month, Gary Kendall, director, State of Iowa Governor's Office of Drug Control Policy, testified that Iowa had also seen success with ''State and local prevention efforts'' and ''multijurisdictional task forces.''

At the national and international level, according to the State Department Bureau for International Narcotics and Law Enforcement, since the passage last year of the Combat Meth Act, methamphetamine abuse has been trending slightly downward in the United States; unfortunately, worldwide consumption is growing. This is due in large part to the fact that, compared to organic illegal drugs such as

opiates and cocaine, methamphetamine is relatively easy to manufacture, can be produced just about anywhere and has a very substantial profit margin. It is the State Department's assessment that international mitigation and control of this disturbing worldwide trend can only be maintained by strong U.S. leadership. We have seen some success in recent months and years. During the first 6 months of this year, Operation Crystal Flow, a joint operation between the U.S. Government and governments in North and South America and West Asia, saw the halting, suspension or seizure of 53 tons of chemicals that go into meth production—so-called precursor drugs.

This operation was the joint effort of the International Narcotics Control Board through its Project Prism Task Force which includes the U.S. Drug Enforcement Agency and authorities in 126 other nations. This is just one of a number of international efforts in which the U.S. Government is participating.

With the crackdown here at home on methamphetamine production, the supply source has changed. Today, Mexico is the principal foreign supplier of methamphetamine to the United States. According to the State Department, 80 percent of drug addicts in Mexicali and Tijuana are using meth. Mexico itself has a very serious methamphetamine addiction problem among its population and, because of the success of the Combat Meth Act and activities undertaken by individual States, U.S. demand for the drug has gone south, so to speak. Meth from so-called ''superlabs'' in Mexico is reaching beyond the already-established demand of my State and surrounding western and southwestern States to other areas in the United States: we're seeing it in the Great Lakes, the Northeast, and Southeast.

Again, the lure of an enormous profit margin, coupled with the highly addictive nature of meth is a proven recipe for even greater disaster. The Mexican Government has been working over the past few years to exert more sweeping control of the movement of large amounts of methamphetamine precursor drugs. Our Government is working with the Mexican Government in ongoing border security and drug trafficking initiatives, but as supply lines are squelched in one area, they restart in other areas and other countries where controls and law enforcement are lacking. As I stated earlier, this is an international problem and efforts, led by the United States, must be global in scope.

According to the Department of Homeland Security and Immigration and Customs Enforcement, methamphetamine seizures have steadily increased. Although Immigrations and Customs Enforcement has increased its bilateral and multilateral drug interdiction efforts in recent years, and drug seizures are up, the supply is also increasing as it becomes the drug of choice for 15 to 16 million people worldwide.

Our work to combat meth is a multipronged process and, as I said earlier, rural areas and States have been hit particularly hard by this trend. Small towns in Idaho, Montana, Wyoming, and other States remain under siege by the meth epidemic. These are not communities with substantial numbers of law enforcement personnel and resources, massive revenue bases, or specialized departments and offices to fight back.

Recently, an Idahoan with over 20 years' experience working with drug-endangered children shared an idea with me on how to best fight the meth problem in rural communities. His recommendation was that the Federal Government should assist local communities in forming multi-organization, school, parent, and agency task forces to educate children and adults about the perils of meth addiction. He reminded me that these task forces exert community and peer pressure to report the presence of labs and those selling and using meth in the community. In Idaho, this approach has proven to be the most effective way to combat meth problems in our rural communities. Educating people before they try meth like the Montana Meth Project has done, enabling and energizing local collaborative task forces to spread the word that their communities say ''no'' to meth, and maintaining a zero tolerance policy that includes severe penalties for breaking the law, will help reduce demand and dry up supply.

Integral to fighting methamphetamine in our communities is educating our children. To that end in Idaho, I have partnered with the Idaho State Department of Education Safe and Drug Free Schools program and issued a call for high schools across my State to create public service announcements that seek to educate other students about the dangers of methamphetamine abuse, on the model of the highly successful Montana Meth Project. Getting our youth involved directly in this outreach and education effort will reduce the potential for methamphetamine use.

Considering the growing international methamphetamine epidemic, it is in our Nation's interest to remain very active in cooperative endeavors such as those in which the State Department, the U.S. Drug Enforcement Agency, and the Department of Homeland Security are currently involved. These successful programs deserve continued funding in order to stop the supply of meth coming into our neighborhoods.

It is time for our Nation to mobilize to fight this deadly drug. It is time to let foreign drug traffickers know that the United States is closed to meth business. We have witnessed enough children with ruined bodies, minds, and lives. We have seen enough adults abandon their parental and societal responsibilities for the lie that is a meth high. We have seen the tragedy of newborn babies taken away from mothers unable to care for them, and the infants themselves suffering the same terrible addiction.

Meth continues to ravage America's communities, large and small. This will require an increased effort from the Federal Government to bring an end to meth use and production in these places. It is especially important to focus Federal dollars where they are truly needed—in rural communities nationwide that don't have the manpower or other resources to fight this battle alone. I call on my colleagues to support critical effective efforts in their respective States to work toward meth-free communities, and to continue to support U.S. leadership and involvement in international drug trafficking interdiction and suppression efforts.

There are many things we can do from the Federal level to the State level to the local community and, frankly, the family and individual levels to fight meth in this country.

One of the most important findings is simply educating people about the risks involved in the use of methamphetamines. It is critical to our ability to reduce the demand and to be able to get a handle on fighting the supply.

I yield back the remainder of my time.

Mr. HARKIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. I want to talk about two amendments I have offered that hopefully will be voted on very shortly. Is there any kind of unanimous consent agreement?

The PRESIDING OFFICER. There is not.

Mr. ENSIGN. Just to alert the managers of the bill, I probably will not talk for more than about 10 minutes total.

AMENDMENT NO. 3342

The first amendment I want to talk about is the amendment that deals with the totalization agreement between the United States and Mexico, the latest attempt to drain the Social Security trust fund.

In 2004, the Commissioner of Social Security signed a totalization agreement with the Director General of the Mexican Social Security Institute. While the President has not yet submitted the United States-Mexico totalization agreement to Congress, I am concerned that the agreement can severely impact the Social Security trust fund and threaten the retirement benefits of hard-working Americans.

The proposed totalization agreement with Mexico does not contain protections against fraud, and there are too many unanswered questions about its cost to American taxpayers. The Government Accountability Office has already warned us that the proposed totalization agreement with Mexico will likely increase the number of unauthorized workers and make their family members eligible for Social Security benefits.

Mexican workers, who ordinarily would not receive benefits because they lack the required 10 years of legally documented employment in the United States, could qualify for partial Social Security benefits with as little as 1½ years of work history.

More family members living in Mexico would also qualify for United States Social Security benefits, because the proposed agreement waives rules that prevent payments to noncitizens such as children and spouses living outside the United States.

Because the Mexican Government does not keep sufficient records of births, deaths, and marriages, it would be nearly impossible to determine whether someone died so that the Social Security Administration could discontinue sending benefits. The Social Security Administration estimates that 50,000 additional Mexican workers would qualify for these benefits in the first 5 years, for a total estimated cost of over $500 million. During that same time period, the agreement would save U.S. workers a little over $100 million. If you do the math, it appears the cost of the agreement could be almost four times the savings.

Before we send scarce Social Security dollars to a foreign country, Congress must first determine whether a totalization agreement is in the best interests of our country.

To protect Social Security benefits to U.S. citizens, and to preserve the program for future generations, I am offering this amendment today. My amendment would bar funding for the administration of benefit payments under a totalization agreement with Mexico.

AMENDMENT NO. 3352

I am also offering a second amendment. There have been many media reports recently about those who are here illegally stealing American Social Security numbers. Every year employers are advised that nearly 800,000 employees do not have valid matching Social Security numbers. In too many of those cases, the numbers that are used belong to someone else in America.

Today, I am going take a few moments to share with my colleagues a few of the stories of victims of identity theft. I have shared some of these stories in the past. Last year I spoke about Audra, who had been a stay-at-home mom since 2000. Her Social Security number was being used by at least 218 different illegal immigrants, mostly in Texas, to obtain jobs. The IRS accused her of owing back taxes of over $1 million on other people's illegal work.

There was also Caleb, who lives in Nevada with his wife and two young children. In December of 2003 Caleb was unable to work and he applied for unemployment benefits. He was denied benefits that were rightfully his and was told that it was because he was already working as a landscaper in Las Vegas. Las Vegas and Reno are about 500 miles apart. It would have been very difficult for this unemployed worker in Nevada.

Stories such as this are all too common. States have experienced a crime spree involving illegal immigrants using the stolen identities of children. In one case in Utah, a child apparently owns a cleaning company and works as a prep cook at two restaurants in Salt Lake City. That is a lot of responsibility, especially for a little 8-year-old boy.

A little boy in Salt Lake City supposedly works for an express air freight company; quite an important job for an 11-year-old.

These stories are quite shocking. Americans are being denied unemployment benefits and are being unfairly targeted for failure to pay taxes on money they did not earn. My amendment prohibits the Social Security Administration from using funds to process claims for work performed under a stolen or fraudulent Social Security number.

We should not reward individuals who have knowingly engaged in illegal behavior. My amendment will ensure that the 218 illegal immigrants who stole Audra's Social Security number will not receive benefits from the Social Security trust fund. The landscaper who stole Caleb's Social Security number will not get credit for his work using one of my constituent's numbers, and the prep cook who stole an 8-year-old's Social Security number will not get credit for victimizing a child either.

We should value hard work and reward those who play by the rules. Therefore, I urge my colleagues to support both of these important amendments.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOLDEN GAVEL

Mr. REID. Madam President, the hour of 5 o'clock has arrived, and the occupant of the chair has now presided over the Senate for 100 hours. That is commendable. The Senator is the fourth to have done it this year. I am proud and appreciative of that. It is not easy to preside for 100 hours. Sometimes it is difficult. Frankly, having presided over the Senate many hours myself—never 100 in a year, as the Senator has done—I know it is a very grueling process. You not only see the debate going on here on the floor but all things going on, as it has happened today, outside of the microphones. So with the Senator's experience as a Government worker, we are so glad to have her in the Senate. The people of Missouri sent us a real dandy when they sent the Senator here. Congratulations.

What I didn't say is that when someone serves for 100 hours, they get a golden gavel, which is a nice award. It has a nice case, and it is something the Senator will always have to remember her first year in the Senate.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. REID. Mr. President, it is never really easy. We have a lot of procedural stuff. I have tried to be as patient as I can be. I have acknowledged publicly that the two managers have done everything within their power to move this bill; 12:30 has passed but the good faith is still here. We are going to work through and finish this bill. We have lost a few hours, but I think with this agreement we will accomplish everything we need to do, even if we had completed this bill earlier today.

Mr. President, I ask unanimous consent the following be the only amendments or motions remaining in order to the bill; that there be 2 minutes of debate prior to each vote, equally divided and controlled in the usual form, and that there be 20 minutes of debate equally divided and controlled prior to a vote on the motion to commit; that no second-degree amendments be in order other than as specified in this agreement; that upon disposition of all amendments and motions, if the motion to commit is defeated, then the substitute amendment, as amended, be agreed to, the bill be read a third time, and the Senate proceed to vote on passage of the bill with the vote sequence as listed below.

I will talk specifically about the listing of the amendments and the order in which they will be voted upon because this has been negotiated for the last several hours. After the first vote, the time for each vote be 10 minutes each. They will be voted on in the following order: No. 1, Cardin, No. 3400; No. 2, Ensign, No. 3342; No. 3, Ensign, No. 3352; No. 4, Vitter, No. 3328, and that it be in order for the amendment to be modified if agreed upon by the managers or Senator VITTER; the Dorgan pending amendment, No. 3345, will be withdrawn—that will be done by either Senator DORGAN or the chairman, Senator

HARKIN—No. 5, Bingaman, No. 3440, with 2 minutes each, BINGAMAN and KYL; No. 6, Kennedy, No. 3433, as modified; No. 7, Grassley-Sanders, No. 3396, and that the amendment be modified with the changes at the desk, and it is my understanding there will be a voice vote on that; No. 8, Schumer, No. 3404, as amended by the Durbin amendment, No. 3449—voice vote; No. 9, DeMint amendment on first-class air travel to be offered and agreed to; No. 10, Chambliss amendment No. 3391, as modified; No. 11, Republican motion to commit.

Further, I ask unanimous consent that upon the passage of H.R. 3043 the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees, and that the Senate then proceed to executive session to consider the nomination of Leslie Southwick to be U.S. Circuit judge; that a cloture motion on the nomination be filed at that time; that there be 4 hours for debate on the motion with the time to be divided between Senators LEAHY and SPECTER or their designees, and that 2 hours of that time be used today with the remaining time to be used tomorrow; following the Senate's convening at 9 a.m., that the Senate vote on cloture on the nomination to occur at 11 a.m. tomorrow; that if cloture is invoked, the Senate then vote immediately on confirmation of the nomination; if cloture is not invoked, the nomination be returned to the calendar and the Senate return to legislative session; if the nomination is confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session; that regardless of the outcome, once the Senate returns to legislative session there be 20 minutes equally divided for debate between the two leaders or their designees prior to the cloture vote on the motion to proceed to S. 2205, the DREAM Act.

The PRESIDING OFFICER. Is there objection?

The minority leader is recognized.

Mr. MCCONNELL. Regretfully reserving the right to object, after the majority leader began to read this agreement, I have one potential snag over here, and I think it will be cleared shortly. I would like to suggest we have a quorum call briefly and let me check out one more thing. We should be able to go forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. It is my understanding there is a unanimous consent pending; is that right?

The PRESIDING OFFICER. The majority leader is correct. Without objection, it is so ordered.

AMENDMENT NO. 3345 WITHDRAWN

Under the previous order, the Dorgan amendment No. 3345 is withdrawn.

The Senator from Iowa.

AMENDMENT NO. 3443, AS MODIFIED, TO AMENDMENT NO. 3325

Mr. HARKIN. Mr. President, before we start, I send a modification to the desk and ask for its immediate consideration on amendment No. 3443 for Senator HATCH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. HATCH, proposes an amendment numbered 3443, as modified.

Mr. HARKIN. Mr. President, the amendment has been agreed to on both sides.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3443), as modified, was agreed to, as follows:

AMENDMENT NO. 3443, AS MODIFIED

At the appropriate place in title II, insert the following:

SEC. ____. (a) The amount appropriated under the heading ''DISEASE CONTROL, RESEARCH, AND TRAINING'' under the heading ''CENTERS FOR DISEASE CONTROL AND PREVENTION'' in this title is increased by $1,000,000.

(b) The amount appropriated under the heading ''GENERAL DEPARTMENTAL MANAGEMENT'' under the heading ''OFFICE OF THE SECRETARY'' in this title is decreased by $1,000,000.

(c)(1)(A) The Secretary of Health and Human Services (acting through the Director of the National Institute for Occupational Safety and Health) shall conduct, and shall invite the University of Utah and West Virginia University to participate in conducting, a study of the recovery of coal pillars through retreat room and pillar mining practices in underground coal mines at depths greater than 1500 feet.

(B) The study shall examine the safety implications of retreat room and pillar mining practices, with emphasis on the impact of full or partial pillar extraction mining.

(C) The study shall consider, among other things—

(i) the conditions under which retreat mining is used, including conditions relating to—

(I) seam thickness;

(II) depth of cover;

(III) strength of the mine roof, pillars, and floor; and

(IV) the susceptibility of the mine to seismic activity; and

(ii) the procedures used to ensure miner safety during retreat mining.

(2)(A) Not later than 1 year after beginning the study described in paragraph (1), the Secretary shall submit a report containing the results of the study to the Committee on Education and Labor of the House of Representatives, the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.

(B) The report shall include recommendations to enhance the safety of miners working in underground coal mines where retreat mining in room and pillar operations is utilized. Among other things, the recommendations shall identify means of adapting any practical technology to the mining environment to improve miner protections during mining at depths greater than 1500 feet, and research needed to develop improved technology to improve miner protections during mining at such depths.

(3) Not later than 90 days after the submission of the report described in paragraph (2) to Congress, the Secretary of Health and Human Services shall publish a notice in the Federal Register describing the actions, if any, that the Secretary intends to take based on the report.

AMENDMENT NO. 3430, AS MODIFIED, TO AMENDMENT NO. 3325

Mr. HARKIN. Mr. President, I ask unanimous consent to vitiate the previous vote on amendment No. 3430, the Feingold amendment. I now send to the desk a modification of that amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. Amendment 3430, as modified, is agreed to.

The amendment (No. 3430), as modified, was agreed to, as follows:

AMENDMENT NO. 3430, AS MODIFIED

At the end of title III, add the following:

SEC. ____. (a) Not later than May 31, 2009, the Comptroller General of the United States shall submit a report to Congress on the strategies utilized to assist students in meeting State student academic achievement standards, including achieving proficiency on State academic assessments.

(b) The report required under subsection (a) shall include data collected from a representative sample of schools across the Nation to determine the strategies utilized by schools to prepare students to meet State student academic achievement standards and achieve proficiency on State academic assessments, including the following categories of strategies:

(1) Adjusting the structure of the school day, which may include the expansion of the school day, or modifications in the time spent on instruction in core academic subjects.

(2) The professional development provided to teachers or additional school personnel to assist low-performing students.

(3) Changes in the provision of instruction to students, including targeting low-performing students for specialized instruction or tutoring.

(4) Utilizing types of instructional materials to prepare students.

(5) Instituting other State or local assessments.

(6) Using other strategies to prepare students to meet State student academic achievement standards and achieve proficiency on State academic assessments.

(c) The data collected pursuant to this section shall be disaggregated by—

(1) schools with a high percentage of students eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(2) schools with a low percentage of students eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(3) schools with a student enrollment consisting of a majority of racial and ethnic minority students;

(4) schools with a student enrollment consisting of a majority of non-minority students;

(5) urban schools;

(6) suburban schools;

(7) rural schools; and

(8) schools identified as in need of improvement under section 1116 of the Elementary

and Secondary Education Act of 1965 (20 U.S.C. 6316).

(d) The representative sample described in subsection (b) shall be designed in such a manner as to provide valid, reliable, and accurate information as well as sufficient sample sizes for each type of school described in subsection (c).

(e) The data collected under subsection (b) shall be reported separately for the most common types of strategies, in each of the categories listed in paragraphs (1) through (6) of subsection (b), used by schools to prepare students to meet State student academic achievement standards, including achieving proficiency on State academic assessments.

AMENDMENT NO. 3433, AS MODIFIED, TO AMENDMENT NO. 3325

Mr. HARKIN. Mr. President, under the previous unanimous consent agreement, I call up Kennedy amendment No. 3433, and I send a modification 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 Iowa [Mr. HARKIN], for Mr. KENNEDY, proposes an amendment numbered 3433, as modified.

The PRESIDING OFFICER. Under the previous order the amendment is agreed to.

The amendment (No. 3433) as modified, was agreed to, as follows:

AMENDMENT NO. 3433, AS MODIFIED

At the end of title III, insert the following:

SEC. ___. Prior to January 1, 2008, the Secretary of Education may not terminate any voluntary flexible agreement under section 428A of the Higher Education Act of 1965 (20 U.S.C. 1078–1) that exists on the date of enactment of this Act. With respect to an entity with which the Secretary of Education has a voluntary flexible agreement under section 428A of the Higher Education Act of 1965 (20 U.S.C. 1078–1) on the date of enactment of this Act that is not cost neutral, if the Secretary terminates such agreement after January 1, 2008, the Secretary of Education shall, not later than December 31, 2008—

(1) negotiate to enter, and enter, into a new voluntary flexible agreement with such entity so that the agreement is cost neutral, unless such entity does not want to enter into such agreement.

AMENDMENT NO. 3400

Mr. HARKIN. Mr. President, Parliamentary inquiry: What is the amendment now before the Senate?

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Cardin amendment No. 3400.

The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I urge my colleagues to support the amendment. It is offered by Senator SMITH and myself. Refugees who come to this country are entitled to loans to help them defray the cost of transportation and to resettlement assistance once they arrive. I am for that.

This amendment provides similar benefits to those who qualify for Special Immigration Visas. These are Iraqi and Afghan translators who have helped us, and now, in risk of their lives, are allowed to come to a safe haven, the United States.

This amendment extends a helping hand to those who have helped us under very difficult and dangerous circumstances. As I indicated, refugees are entitled to this benefit for up to 7 years. This provides benefits for only up to 6 months for the SIV holders.

It is carefully crafted. It has been scored at not adding additional costs to the budget. I think this is a matter of basic fairness. I urge my colleagues to support the Cardin-Smith amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. HARKIN. Mr. President, since no one is here to speak in opposition, I yield back all time.

The PRESIDING OFFICER. Without objection, it is so ordered. The question is on agreeing to the amendment.

Mr. CARDIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. CONRAD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 386 Leg.]

YEAS—92

Akaka	Dole	Lott
Alexander	Domenici	Lugar
Allard	Dorgan	Martinez
Barrasso	Durbin	McCaskill
Baucus	Ensign	McConnell
Bayh	Enzi	Menendez
Bennett	Feingold	Mikulski
Bingaman	Feinstein	Murkowski
Bond	Graham	Murray
Boxer	Grassley	Nelson (FL)
Brown	Gregg	Nelson (NE)
Brownback	Hagel	Pryor
Bunning	Harkin	Reed
Burr	Hatch	Reid
Byrd	Hutchison	Roberts
Cantwell	Inhofe	Rockefeller
Cardin	Inouye	Salazar
Carper	Isakson	Sanders
Casey	Johnson	Schumer
Chambliss	Kerry	Sessions
Coburn	Klobuchar	Shelby
Cochran	Kohl	Smith
Coleman	Kyl	Snowe
Collins	Landrieu	Specter
Corker	Lautenberg	Stabenow
Cornyn	Leahy	Stevens
Craig	Levin	Sununu
Crapo	Lieberman	Tester
DeMint	Lincoln	Thune
		Vitter
	Voinovich	Whitehouse
	Webb	Wyden

NOT VOTING—8

Biden	Dodd	Obama
Clinton	Kennedy	Warner
Conrad	McCain	

The amendment (No. 3400) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3342

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on Ensign amendment No. 3342.

Who yields time?

Mr. REID. Mr President, I am going to vote for the amendment offered by Senator ENSIGN with respect to the U.S.-Mexico Totalization Agreement, and I wanted to take a few minutes to explain my thinking on this issue.

The United States has negotiated totalization agreements with more than 20 countries. These agreements establish mechanisms for coordinating our respective Social Security systems so that U.S. citizens working abroad are treated fairly. For example, the agreements help prevent Americans from being subject to unfair double taxation. They also help ensure that work in each country can be combined for purposes of qualifying for benefits, so that those who split their careers between countries are not left uncovered. Of course, while their purpose is to protect American interests, the agreements also provide reciprocal benefits to citizens of the other countries.

Totalization agreements can be win-win arrangements that benefit both sides, provided they are crafted carefully to ensure that their benefits and their burdens are reasonably balanced. No agreement, no matter how carefully drafted, is likely to impose identical costs on both countries. More likely, there will be some difference in the burdens borne and benefits received by each nation. And if the United States ends up paying far more in benefits to citizens of another country than American citizens receive, our national interests could dictate that we reject or renegotiate that agreement.

The need to carefully scrutinize a proposed totalization agreement is especially great because its costs could directly affect the Social Security benefits of virtually all Americans in the future. This type of agreement has the potential of imposing significant burdens on the Social Security trust fund. Although the Congressional Budget Office projects that the trust fund will be solvent through 2046, we should be careful before approving any measure that would worsen the program's long-term challenges. Otherwise, the end result could be unnecessarily deep cuts in benefits or excessive increases in taxes for Americans.

Given this, I believe it is important that President Bush not be given unilateral power to negotiate and implement agreements without significant congressional involvement. Current law allows Congress to reject an agreement, but this mechanism probably is unconstitutional under the Supreme Court's Chadha decision, which invalidated so-called legislative vetoes. We need to develop a new mechanism, and I am pleased that Senator BAUCUS and Senator GRASSLEY have been working in a bipartisan manner to develop one.

While those efforts are ongoing, I believe it is appropriate to take interim steps to ensure that the Bush administration is not allowed to implement a totalization agreement unilaterally. That is what the Ensign amendment does. While not making a final determination about whether an agreement should be approved, the amendment effectively would ensure that, for the next fiscal year, an agreement with Mexico will not be implemented without congressional approval. I think that makes sense.

In my view, the Ensign amendment would have been stronger had it applied to all totalization agreements, not just the agreement with Mexico. Not only would that have helped ensure that all agreements serve our national interests, but it would have eliminated any perception that we are unfairly singling out Mexico for special treatment. Having said that, I do understand the view of the General Accounting Office that the Mexican agreement is, ''both qualitatively and quantitatively different than any other agreement signed to date,'' largely because of the potential impact of the many workers who have come from Mexico into the United States. The extent of that impact is unclear. In any case, surely this complex issue deserves to be considered seriously here in the Congress before any agreement is implemented.

The Senator from Iowa.

Mr. HARKIN. Mr. President, in consultation with Senator ENSIGN, he does not wish to use his time. So, therefore, we yield back all time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''no.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 387 Leg.]

YEAS—91

Akaka	Domenici	Mikulski
Alexander	Dorgan	Murkowski
Allard	Durbin	Murray
Barrasso	Ensign	Nelson (FL)
Baucus	Enzi	Nelson (NE)
Bayh	Feingold	Pryor
Bennett	Feinstein	Reed
Bingaman	Graham	Reid
Bond	Grassley	Roberts
Boxer	Gregg	Rockefeller
Brown	Harkin	Salazar
Brownback	Hatch	Sanders
Bunning	Hutchison	Schumer
Burr	Inhofe	Sessions
Byrd	Inouye	Shelby
Cantwell	Isakson	Smith
Cardin	Johnson	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Stevens
Coburn	Kyl	Sununu
Cochran	Landrieu	Tester
Coleman	Lautenberg	Thune
Collins	Leahy	Vitter
Conrad	Levin	Voinovich
Corker	Lieberman	Warner
Cornyn	Lincoln	Webb
Craig	Lott	Whitehouse
Crapo	McCaskill	Wyden
DeMint	McConnell	
Dole	Menendez	

NAYS—3

Hagel	Lugar	Martinez

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Kennedy	Obama

The amendment (No. 3342) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3352

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Ensign amendment No. 3352.

Who yields time?

Mr. HARKIN. Mr. President, it is my understanding we don't need any time. All time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 2, as follows:

[Rollcall Vote No. 388 Leg.]

YEAS—92

Akaka	Domenici	Menendez
Alexander	Dorgan	Mikulski
Allard	Durbin	Murkowski
Barrasso	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Pryor
Bingaman	Graham	Reed
Bond	Grassley	Reid
Boxer	Gregg	Roberts
Brown	Harkin	Rockefeller
Brownback	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inhofe	Schumer
Byrd	Inouye	Sessions
Cantwell	Isakson	Shelby
Cardin	Johnson	Smith
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lott	Webb
Crapo	Martinez	Whitehouse
DeMint	McCaskill	Wyden
Dole	McConnell	

NAYS—2

Hagel	Lugar

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Kennedy	Obama

The amendment (No. 3352) was agreed to.

AMENDMENT NO. 3328, AS MODIFIED

Mr. HARKIN. Mr. President, the next amendment up would be Senator VITTER's amendment No. 3328. I have a modification I send to the desk.

The PRESIDING OFFICER. Under the previous order, the amendment is so modified.

The amendment (No. 3328), as modified, is as follows:

On page 79, after line 4, insert:

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) and is not—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

Mr. VITTER. Mr. President, I rise today to discuss my amendment, Amendment No. 3328, which is currently pending to the Labor-HHS-Education Appropriations bill before the Senate. My original amendment is simple. It would stop officials at HHS from

preventing individuals from bringing back a prescribed medication for themselves from Canada. I have agreed to make two modifications to my amendment. My amendment, as modified, would add explicit restrictions on controlled substances and biological products from my amendment.

Therefore, as modified, my amendment prohibits funds from preventing individuals, not wholesalers, from importing prescriptions for themselves, and that because there is no restriction in my language as to how they may import these prescriptions, it is understood that mail order and Internet importation is not prohibited along with carrying on the person over the border. All controlled substances and biological products are prohibited.

It is my understanding that my amendment will be accepted by voice vote today on the agreement that the chairman and ranking member of the subcommittee, Senator HARKIN and Senator SPECTER, will work hard for its inclusion in the final conference report for the final legislative vehicle for this bill.

Mr. HARKIN. Mr. President, I appreciate the sentiments by the Senator from Louisiana and accept this proposal on this modified amendment and will ask that it be adopted by unanimous consent. I agree to work hard for inclusion of this amendment in the conference report of the final legislation.

Mr. SPECTER. Mr. President, I concur with my colleague and confirm this agreement with my colleague from Louisiana, Mr. VITTER.

Mr. HARKIN. Mr. President, we are ready to vote on the Vitter amendment.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 3328), as modified, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is to be recognized.

AMENDMENT NO. 3440, AS MODIFIED, TO AMENDMENT NO. 3325

Mr. BINGAMAN. Mr. President, this is an amendment to add $150 million to the Social Security Administration account so that they can deal with the enormous backlog of cases that are pending there in people applying for disability benefits. The average wait is 523 days now. If a person filed today for a hearing in Social Security, they would expect to get that hearing in June of 2009. That is unacceptable. We need to do better. This amendment will help us do that.

I yield the remainder of my time to Senator DOMENICI.

Mr. DOMENICI. Mr. President, I suggest that this is absolutely imperative. For citizens who are on disability to have to wait 2 years on an appeal, as the Senator said, is unacceptable. The money this is providing will take care of that. He asked the administrator, and that is what is needed, and we ought to do it. We have Social Security and disability, and then they make them wait 2 years, and all of the offices are being cut back because they don't have enough operating money. We should pass this amendment.

Mr. BINGAMAN. Mr. President, I call up amendment No. 3440, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 3440, as modified.

The amendment is as follows:

At the appropriate place, insert the following:

GENERAL PROVISIONS

SEC. 401. (a) Notwithstanding any other provision of this Act, the amount appropriated under the heading ''LIMITATION ON ADMINISTRATIVE EXPENSES'' under the heading ''SOCIAL SECURITY ADMINISTRATION'' shall be increased by $150,000,000.

(b) Section 1848(l)(2)(A) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)(A)), as amended by section 6 of the TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90), is amended by striking ''$1,350,000,000'' and inserting ''$1,200,000,000, but in no case shall expenditures from the Fund in fiscal year 2008 exceed $650,000,000'' in the first sentence.

(c) Section 323 of title 31, United States Code, is amended to read as follows:

Mr. GRASSLEY. Mr. President, do we have an opportunity to address it?

The PRESIDING OFFICER. There is 2 minutes on each side.

The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I rise in support of the goals of this amendment. I want to speak about process so that nobody gets the understanding that the Committee on Finance has given up jurisdiction over this area. We also want to explain that the offset is coming from the Medicare physician assistance and quality initiative fund, which we have set aside to make sure doctors don't get a 10-percent cut this year in their formula. That is something which is going to come out of the Finance Committee in the next few weeks.

The reason we are going along with this offset is we have found another offset that will fill the void in this fund I just referred to, so that we will be able to keep this whole. I advise people that just because we are allowing this fund to be tapped, we are not going to tap this fund again because we are going to save this to make sure we can help doctors not get cut in their reimbursement on Medicare.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I yield back the remaining time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 6, as follows:

[Rollcall Vote No. 389 Leg.]

YEAS—88

Akaka	Ensign	Murkowski
Alexander	Enzi	Murray
Barrasso	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Graham	Pryor
Bennett	Grassley	Reed
Bingaman	Hagel	Reid
Bond	Harkin	Roberts
Boxer	Hatch	Rockefeller
Brown	Hutchison	Salazar
Brownback	Inouye	Sanders
Bunning	Isakson	Schumer
Byrd	Johnson	Sessions
Cantwell	Kerry	Shelby
Cardin	Klobuchar	Smith
Carper	Kohl	Snowe
Casey	Kyl	Specter
Chambliss	Landrieu	Stabenow
Cochran	Lautenberg	Stevens
Coleman	Leahy	Sununu
Collins	Levin	Tester
Conrad	Lieberman	Thune
Corker	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	Webb
Dole	McCaskill	Whitehouse
Domenici	McConnell	Wyden
Dorgan	Menendez	
Durbin	Mikulski	

NAYS—6

Allard	Coburn	Gregg
Burr	DeMint	Inhofe

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Kennedy	Obama

The amendment (No. 3440) was agreed to.

Mr. CARDIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3396, AS MODIFIED, TO AMENDMENT NO. 3325

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa, Mr. GRASSLEY, is recognized to offer an amendment.

Mr. GRASSLEY. Senator SANDERS should go first.

Mr. SANDERS. I call up my amendment.

Mr. HARKIN. Mr. President, I understand that under the unanimous consent agreement, the next amendment will be No. 3396, the Grassley-Sanders amendment. It has been modified.

The PRESIDING OFFICER. The Senator is correct. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for himself and Mr. SANDERS, proposes an amendment numbered 3396, as modified, to amendment No. 3325.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''American Competitiveness Scholarship Act of 2007''.

(b) ESTABLISHMENT.—The Director of the National Science Foundation (referred to in this section as the ''Director'') shall award scholarships to eligible individuals to enable such individuals to pursue associate, undergraduate, or graduate level degrees in mathematics, engineering, health care, or computer science.

(c) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive a scholarship under this section, an individual shall—

(A) be a citizen of the United States, a national of the United States (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))), an alien admitted as a refugee under section 207 of such Act (8 U.S.C. 1157), or an alien lawfully admitted to the United States for permanent residence;

(B) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

(C) certify to the Director that the individual intends to use amounts received under the scholarship to enroll or continue enrollment at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) in order to pursue an associate, undergraduate, or graduate level degree in mathematics, engineering, computer science, nursing, medicine, or other clinical medical program, or technology, or science program designated by the Director.

(2) ABILITY.—Awards of scholarships under this section shall be made by the Director solely on the basis of the ability of the applicant, except that in any case in which 2 or more applicants for scholarships are deemed by the Director to be possessed of substantially equal ability, and there are not sufficient scholarships available to grant one to each of such applicants, the available scholarship or scholarships shall be awarded to the applicants in a manner that will tend to result in a geographically wide distribution throughout the United States of recipients' places of permanent residence.

(d) AMOUNT OF SCHOLARSHIP; RENEWAL.—

(1) AMOUNT OF SCHOLARSHIP.—The amount of a scholarship awarded under this section shall be $15,000 per year, except that no scholarship shall be greater than the annual cost of tuition and fees at the institution of higher education in which the scholarship recipient is enrolled or will enroll.

(2) RENEWAL.—The Director may renew a scholarship under this section for an eligible individual for not more than 4 years.

(e) FUNDING.—The Director shall carry out this section only with funds made available under section 286(w) of the Immigration and Nationality Act, as added by subsection (g).

(f) FEDERAL REGISTER.—Not later than 60 days after the date of the enactment of this Act, the Director shall publish in the Federal Register a list of eligible programs of study for a scholarship under this section.

(g) SUPPLEMENTAL H–1B NONIMMIGRANT PETITIONER ACCOUNT; GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(w) SUPPLEMENTAL H–1B NONIMMIGRANT PETITIONER ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Supplemental H–1B Nonimmigrant Petitioner Account'. Notwithstanding any other section of this Act, there shall be deposited as offsetting receipts into the account 85.75 percent of the fees collected under section 214(c)(15)(B).

''(2) USE OF FEES FOR AMERICAN COMPETITIVENESS SCHOLARSHIP PROGRAM.—The amounts deposited into the Supplemental H–1B Nonimmigrant Petitioner Account shall remain available to the Director of the National Science Foundation until expended for scholarships described in the American Competitiveness Scholarship Act of 2007 for students enrolled in a program of study leading to a degree in mathematics, engineering, health care, or computer science.

''(x) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.25 percent of the fees collected under section 214(c)(15)(B).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

(h) SUPPLEMENTAL AND DEFICIT REDUCTION FEES.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended by adding at the end the following:

''(15)(A) Except as provided under subparagraph (D), if the Attorney General, the Secretary of Homeland Security, or the Secretary of State is required to impose a fee pursuant to paragraph (9) or (11), the Attorney General, the Secretary of Homeland Security, or the Secretary of State, as appropriate, shall impose a supplemental fee and a deficit reduction fee on the employer in addition to any other fee required by such paragraph or any other provision of law, in the amounts determined under subparagraph (B).

''(B) The amount of the supplemental fee shall be $3,500, except that the fee shall be ½ that amount for any employer with not more than 25 full-time equivalent employees who are employed in the United States (determined by including any affiliate or subsidiary of such employer).

''(C) Of the amounts collected under subparagraph (B)—

''(i) 85.75 percent shall be deposited in the Treasury in accordance with section 286(w); and

''(ii) 14.25 percent shall be deposited in the Treasury in accordance with section 286(x).

''(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fees imposed under this paragraph.''.

The PRESIDING OFFICER. Who yields time?

Mr. SANDERS. Mr. President, I will say a few words about this amendment.

I thank Senator GRASSLEY for working with me on this amendment. We modified the original amendment. This amendment is substantially similar to the amendment Senator GRASSLEY and I offered last May on the immigration reform bill which passed the Senate with a bipartisan vote of 59 to 35.

This amendment is motivated by one major concern. We want to make certain that young Americans receive the educational opportunities they need in order to obtain the professional, good-paying jobs that are coming about in this country. To do that, we need to make sure they have the college education they need in math, science, engineering, health care, and other professional fields.

This amendment also expands the Jacob Javits Gifted and Talented Educational Program, long supported by Senator GRASSLEY.

This amendment will accomplish these goals by adding a $3,500 surcharge on companies that utilize the H–1B program, the same surcharge that 59 Senators supported last May.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, I wish to speak to what this bill does or does not do for our most promising students.

In his best selling book, ''The World Is Flat,'' Thomas Friedman discusses the challenges of globalism using the metaphor of the world getting flatter.

What he means is that international barriers to the movement of goods, services, people, and ideas are breaking down. That means that American businesses are facing competition from different sources, and the competition will only get fiercer.

If Americans want us to remain an economic leader and keep high paying jobs, we will need to stay one step ahead of others around the world in coming up with new ideas and innovative products and services.

Thomas Friedman likens this moment in American history to the height of the Cold War when the Soviet Union leaped ahead of America in the space race by putting up the Sputnik satellite.

In response to Sputnik, Congress passed the National Defense Education Act, which really started the Federal involvement in education.

According to Thomas Friedman, to meet the challenges of what he calls ''flatism'' will require, ''as comprehensive, energetic, and focused a response as did meeting the challenge of communism.''

We have heard a lot of talk in Congress about the need to do something about American competitiveness.

In fact, earlier this year we passed the America COMPETES bill, authorizing a series of new programs designed to stimulate advanced learning by young Americans. But are we serious about that?

The bill before us today is a $5.35 billion increase over the previous year. That is not small potatoes. That is enough to give a boost to a lot of programs.

But one program that is not seeing a boost is the only source of Federal

funds currently focused on helping meet the unique learning needs of gifted and talented students.

The Javits Gifted and Talented Students Education Act has suffered a series of cuts in recent years due to across-the-board rescissions.

For the current fiscal year, Congress passed an unusual type of modified continuing resolution.

While the continuing resolution contained no specific language further cutting funding for gifted education, the program mysteriously suffered a significant 21 percent cut.

In total, gifted and talented education has taken a 33 percent cut since 2002, and that is not adjusted for inflation. The current bill retains that cut.

If we are serious about maintaining America's competitive edge internationally, our most promising students must be challenged and supported to reach their full potential.

We need these talented young people to go on to pursue advanced degrees and make the technological innovations that drive our economy.

Make no mistake, that will not happen by itself.

Gifted students learn faster and to a greater depth than other students and often look at the world differently than other students. As a result, it takes a great deal more to keep them challenged and stimulated.

If gifted students are not sufficiently stimulated, they often learn to get by with minimum effort and adopt poor learning habits that can prevent them from achieving their potential.

In fact, many gifted and talented students underachieve or even drop out of school.

The book ''Genius Denied,'' by Jan and Bob Davidson from the majority leader's home, the State of Nevada, chronicles how we are letting gifted students throughout the Nation fall through the cracks, wasting their potential.

The Belin-Blank Center in my home State of Iowa produced a report titled, ''A Nation Deceived: How Schools Hold Back America's Brightest Students.''

We must do a better job of developing American talent if America is to remain competitive in the global economy.

Twice now, on the competitiveness bill and the immigration bill, I have proposed an amendment to provide an appropriate funding source for gifted and talented education.

My proposal would increase the fee employers pay for H–1B visas for highly skilled foreign workers to come to the United States and use that additional funding for the Jacob Javits Gifted and Talented Students Education Act.

H–1B visas are temporary visas.

Highly skilled foreign workers come to the United States, often working for less than Americans, and garner useful experience with American companies.

Then, by the nature of the H–1B program, they go home to use their talent in their native country.

That is hardly a permanent solution to our need for talented workers.

Doesn't it make sense to charge a fee to those investing in temporary talent from abroad and use it to invest in permanent talent for the future here at home?

The modified amendment at the desk is a compromise that I worked out with the Senator from Vermont, Mr. SANDERS.

The modification includes language that was agreed to during the immigration debate.

In fact, a similar amendment passed the Senate with a 59-vote majority.

It would increase the fee for H–1B visas and use the revenue to support gifted and talented education as well as an American Competitiveness Scholarship Program that the Senator from Vermont has authored.

I support his goal of creating a scholarship program for students pursuing a degree in math, engineering, health care, or computer science.

I appreciate Senator SANDERS's willingness to help me and to provide needed funding for gifted and talented students.

We cannot continue to shortchange our best and brightest students and still expect excellence from them.

Gifted students are the innovators of tomorrow that will keep our economic pump primed.

For their sake and ours, we cannot afford to squander this vital national resource.

I urge the adoption of my amendment.

Mr. HARKIN. If there is no one else to speak, I yield back the remaining time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 3396), as modified, was agreed to.

Mr. SANDERS. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3404 TO AMENDMENT NO. 3325

Mr. HARKIN. Mr. President, I understand the next amendment is the Schumer amendment No. 3404.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. As amended by the Durbin amendment No. 3449.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. SCHUMER, for himself and Mrs. HUTCHISON, proposes an amendment numbered 3404 to amendment No. 3325.

The amendment is as follows:

(Purpose: To increase the domestic supply of nurses and physical therapists, and for other purposes)

On page 126, between lines 7 and 8, add the following:

SEC. 521. Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(1) in paragraph (1)—

(A) by inserting ''1996, 1997,'' after ''available in fiscal year''; and

(B) by inserting ''group I,'' after ''schedule A,'';

(2) in paragraph (2)(A), by inserting ''1996, 1997, and'' after ''available in fiscal years''; and

(3) by adding at the end the following:

''(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.''.

AMENDMENT NO. 3449 TO AMENDMENT NO. 3404

(Purpose: To increase the number of nursing faculty and students in the United States, to encourage global health care cooperation, and for other purposes)

Mr. HARKIN. Mr. President, I call up the Durbin amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DURBIN, proposes an amendment numbered 3449 to amendment No. 3404.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DURBIN. Mr. President, my second degree amendment reflects my belief that we cannot continue to import nurses from other countries without also taking steps to step up capacity for training nurses here in the U.S. We all know that the United States faces a serious shortage of qualified nurses. Projections show that by the year 2020, our country will fall short of the nurses we need by one million nurses.

Why do we have this looming shortage? Certainly it is due in part to our growing and aging population. But there are also structural problems with the domestic nursing system that limit the number of nurses we educate and train in this country. The main structural problems are an insufficient number of nurse educators and a shortage of clinical space for training. An American Association of Colleges of Nursing survey showed that nursing colleges denied admission to nearly 43,000 qualified applicants in 2006 academic year. The top reasons these applications were not accepted were insufficient faculty and not enough admissions slots. This is a bottleneck that is stifling the supply of nurses in this country. And we need to fix it.

We need to devote resources to training and hiring new nursing faculty and expanding clinical space for nursing schools so they can accept more qualified students. These investments will exponentially increase the number of trained American nurses. The Schumer-Hutchison amendment's approach to fixing our nursing shortage is to allow up to 61,000 foreign nurses to enter the country as green card holders. Importing these thousands of foreign nurses is only a band-aid solution to our projected nursing shortage of 1

million. But it is also a step that deflates any momentum towards finding real solutions for our domestic nursing crisis. We have done these nursing visa recaptures before. In fact, 2 years ago in 2005, the President signed into law a recapture of 50,000 nursing visas as part of that year's Emergency Supplemental Appropriations Act. Did this 2005 visa recapture stop the nursing shortage? Of course not. It was a band-aid solution. But it did undermine momentum for efforts to undertake the real reform that we know we need. And so here we are again, 2 years later, with hospitals desperate for more nurses.

My second degree amendment is a reasonable compromise that will help both the hospitals in the short term and the domestic nursing supply in the long term. My amendment would require employers who successfully petition for a recaptured nursing green card to pay a $1,500 fee.

This fee would be used to fund a grant program that would provide grants to U.S. nursing schools for hiring nurse faculty, expanding training capacity, and recruiting more students. $1,500 is not a large fee—hospitals often spend many times that amount for the services of foreign nurse recruiting companies. However, under my amendment, hospitals that are in dire financial straits, like Health Professional Shortage Area facilities and Louisiana hospitals still recovering from Hurricanes Katrina and Rita, would receive a waiver from paying this fee. Neither does my amendment also impose the fee on the dependents of any nurses who receive a recaptured green card.

Again, the Durbin 2nd degree amendment is a reasonable compromise that will help both the hospitals in the short term and the domestic nursing supply in the long term. It will allow for the additional nursing green cards to address immediate needs, but it will also take steps that will put the American nursing profession on a path to sustainability. My amendment also contains two measured steps to enhance global healthcare cooperation and to safeguard against a crippling brain drain of foreign healthcare workers from countries where they are critically needed. The first provision would allow a healthcare worker who is a legal permanent resident in the U.S. to temporarily provide healthcare services in a country that is underdeveloped or that has suffered a disaster or public health emergency—like the 2004 tsunami—without jeopardizing his or her immigration status in the U.S. The second provision would require a foreigner who is petitioning to work in the U.S. as a health care worker to attest that he or she has satisfied any outstanding commitment to his or her home country under which the foreigner received money for medical training in return for a commitment to work in that country for a period of years. The goal of this second provision is to ensure that foreign countries do not invest money in healthcare workers who then renege on commitments to work in their country without satisfying their commitment in some way, such as by a new voluntary agreement. There is a waiver available in case of coercion by the home country government. My amendment is strongly supported by the American Nurses Association and the American Association of Nursing Colleges.

I urge my colleagues to support the domestic nursing profession and support global healthcare cooperation. I urge passage of my amendment.

Mr. HARKIN. All time is yielded back.

The PRESIDING OFFICER. If all time is yielded back, without objection the second-degree amendment is agreed to.

The amendment (No. 3449) was agreed to.

The PRESIDING OFFICER. Without objection, the amendment, No. 3404, as amended, is agreed to.

The amendment (No. 3404), as amended, was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3450 TO AMENDMENT NO. 3325

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina, Mr. DEMINT, is recognized to offer an amendment.

Mr. HARKIN. Mr. President, I have an amendment for Mr. DEMINT, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DEMINT, proposes an amendment numbered 3450 to amendment No. 3325.

Mr. HARKIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent Federal employees from purchasing unnecessary first class or premium class airline tickets at taxpayers' expense, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301–10.123 and 301–10.124 of title 41 of the Code of Federal Regulations.

Mr. HARKIN. Mr. President, the amendment has been agreed to on both sides.

The PRESIDING OFFICER. All time is yielded back. Without objection, the amendment is agreed to.

The amendment (No. 3450) was agreed to.

AMENDMENT NO. 3391 WITHDRAWN

Mr. HARKIN. Mr. President, I am informed that amendment No. 3391 by Senator CHAMBLISS can be withdrawn, so I ask unanimous consent that amendment No. 3391 be withdrawn.

The PRESIDING OFFICER. Is there objection? The chair hears none, and it is so ordered.

The Republican leader.

MOTION TO COMMIT

Mr. MCCONNELL. Mr. President, we are now in the fourth week of the new fiscal year, and Congress still hasn't sent a single 1 of the 12 appropriations bills to the President. Those who made a lot of noise about Republican spending habits before last year's elections are now making the same mistakes themselves.

There is a difference. This year, our Democratic friends are delaying the most essential business of Congress on a political gambit. They have stuffed this bill with so much extra spending it is guaranteed to draw a veto. Once again, they are setting up the kind of media circus that has become so common this year. Instead of having a debate about the issues, about spending, we will have a nondebate played out in front of cameras, complete with props and outrage. A story in Monday's ''Roll Call'' laid out the strategy. It said our Democratic friends think a Presidential veto of the Labor-HHS bill will allow them to paint the administration and Capitol Hill Republicans as ''out of touch'' with average Americans, just like the effort that is underway on SCHIP.

Well, it is time to stop painting and to start legislating. The fact is, the Labor-HHS bill is simply too expensive. It is $9 billion over the President's request, and we all know what that means. Next year, Democrats will use that figure as their baseline, and on and on in perpetuity. They expect taxpayers to forget how much they increase spending this year so they can say it isn't that much when they do it again next year.

Our friends on the other side of the aisle like to downplay the spending hikes, but let's stop for a second and look at what some of their proposed increases this year would actually look like down the line. The spending hike they are asking for in this bill, if allowed to continue at the same rate, will cost the American taxpayer $120 billion over the next 10 years. Let me say that again. This spending increase over what the President has requested, if allowed to stand year after year, which is the way this always works, will cost the American taxpayers $120 billion over the next 10 years. That is equivalent to the entire budget of the State of New York just in discretionary increases, just on this one appropriations bill. So this increase on this bill, compounded out, $120 billion over the next 10 years, is the equivalent of the entire budget of the State of New York.

So what we are telling taxpayers is this proposed $23 billion increase over the President's request for this year's appropriations bills isn't all that

much. How many times have we heard that: this isn't all that much money? But let's look at the 10-year totals. The $23 billion this year, at the same rate of growth, will end up costing taxpayers $252 billion over 10 years.

What can we do with $252 billion? We could fund this year's discretionary appropriations for the Department of Transportation, the Department of Housing and Urban Development, the Department of Justice, the Department of Commerce, the Department of Agriculture, the Departments of Homeland Security, Interior, Energy, and still have more left over than the entire 2005 Massachusetts State budget.

So our friends are saying that is not a lot of money. Only in Washington, DC, could this kind of spending be not much. We need to get serious about how we spend other people's money, and if we don't start on this bill, which represents the largest increase among all the appropriations bills, we won't cut anywhere.

Senator LOTT and I propose to send this bill back to committee and instruct them to prioritize spending in a way that is responsible and which will secure a Presidential signature. We cannot continue to use the Government charge card knowing our children and their children will have to pay the bill.

On behalf of Senator LOTT and myself, I move to commit H.R. 3043 to the Committee on Appropriations with instructions to report back with total amounts not to exceed $140.92 billion, and I urge my colleagues to vote with us to get us out of the business of political theater and back to the business of governing in a responsible way.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, first, I commend Senator HARKIN for his skillful management of this bill. The Labor, HHS, and Education bill requires tough—did you hear me say that word, tough?—tradeoffs between critical programs that serve our Nation well. I thank Senator SPECTER for his many contributions to this legislation, which is bipartisan, and I urge Senators to vote no on the motion to commit the bill to the committee for the purpose of reducing the bill to the President's request.

Hear me now. Hear me now. Listen. I am going to pose a question. You will have an opportunity to answer it. If such a motion to commit were approved, the bill would need to be reduced by $9 billion. To any Senator who intends to vote for the motion to commit so as to reduce the bill by $9 billion, I ask: What programs would you cut? What programs would you cut?

The President proposes to cut National Institutes of Health funding by $279 million for studying cancer, diabetes, and heart disease. Under the President's budget, the National Institutes of Health would have to eliminate 717 research grants that could lead to cures or treatments for cancer, diabetes, Alzheimer's, and other diseases. Should we reduce funding for the National Institutes of Health? How about it? Do I hear a response? Ask yourself before you vote: Where would you cut? Where would you cut?

The President proposes over $3 billion in cuts for education programs, including special education, safe and drug-free schools, and improving teacher quality. Should we reduce funding for educating our children? Should we? Which educational programs shall we cut? Step up to the plate.

The President proposes cuts of nearly $1 billion in health programs such as rural health, preventive health, nurse training, and mental health grants. Should we reduce funding for programs that improve the health of our Nation? Should we? Ask yourself, which program—which program—should be cut?

Silence. The record will note silence in answer to the question.

The President proposes to cut low-income home energy assistance by $379 million. Winter is coming on. It gets pretty cold in those West Virginia hills. As winter approaches and home heating oil prices rise, should we reduce funding for home energy assistance? No Senator will be cold this winter at home. I won't be cold at home. I am a Senator, proud to be a Senator. By how much should we slash low-income home energy assistance? By how much? Those who want to cut, now is the time to answer the question. By how much should we slash low-income home energy assistance?

Mr. President, it is easy to demand cuts until one has to say just what will be cut. Whose ox—whose ox, yours or mine—whose ox will be gored? Who will be left out in the cold?

To all Senators listening, I urge a ''no'' vote on the motion to commit.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes 15 seconds.

Mr. HARKIN. I yield—how much time remains?

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes 15 seconds; the Republican leader has 5 minutes.

Mr. HARKIN. I will split it, 1½ minutes to Senator SPECTER, and I will take the last 1¼ minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I oppose the motion to commit because the President's budget is $3.5 billion under the current expenditures, and figuring an inflation rate it would be $8.5 billion less.

If we accept the President's figure, then we are abdicating our constitutional responsibility of the appropriations process. The Constitution gives to the Congress the appropriations power. If we automatically defer to the President on the total figure, all we do is fill in the blanks, and that would be an abdication of our constitutional responsibility. In fact, I think it would be unconstitutional for us to delegate that authority to the President. There is case law to the effect that Congress may not delegate its constitutional authority.

I discussed an alternative motion to commit, and that is to arrive at a figure which would be acceptable to the President. On SCHIP the President has stated his willingness to negotiate. The Senate has its figure; the President has his figure. I would be prepared to commit this bill to committee to arrive at a compromise but certainly not to abdicate our constitutional authority and responsibility.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, first I thank Senator SPECTER for his help through all this debate and developing this bill. I thank Senator BYRD for his usual eloquence tonight. I think he encapsulated what this is all about.

This is a bipartisan bill. It passed the committee by a vote of 26 to 3. Frankly, I think at least two, maybe all three of those were opposed to the stem cell portion we had in there, which is no longer in the bill. Nonetheless, this passed 26 to 3.

To echo a little bit what Senator BYRD said, if you vote to commit, you are voting to cut community services block grants, to zero it out, and your social services block grants that go to your States will be cut by 30 percent. You would cut NIH, as Senator BYRD said, by $279 million. How about special education? That would be cut by $748 million. How about community health centers? That would be cut by $250 million.

A ''yea'' vote means you agree with the President that we do not need any more community health centers, you agree with the President we don't need any more money to go to the States for special education, you agree with the President that we can cut funding for NIH, you agree with the President we can zero out the community services block grants and cut the social services block grants to the States by 30 percent. That is what a ''yea'' vote means.

Frankly, I hope we have an overwhelming vote to reject this motion to commit and keep this a strong bipartisan bill with which we can go to conference.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I yield the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN),

the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''nay.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 54, as follows:

[Rollcall Vote No. 390 Leg.]

YEAS—40

Alexander	Crapo	Kyl
Allard	DeMint	Lott
Barrasso	Dole	Lugar
Bennett	Domenici	Martinez
Bond	Ensign	McConnell
Brownback	Enzi	Murkowski
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Sununu
Coburn	Hagel	Thune
Cochran	Hatch	Vitter
Corker	Hutchison	Warner
Cornyn	Inhofe	
Craig	Isakson	

NAYS—54

Akaka	Harkin	Pryor
Baucus	Inouye	Reed
Bayh	Johnson	Reid
Bingaman	Kerry	Rockefeller
Boxer	Klobuchar	Salazar
Brown	Kohl	Sanders
Byrd	Landrieu	Schumer
Cantwell	Lautenberg	Shelby
Cardin	Leahy	Smith
Carper	Levin	Snowe
Casey	Lieberman	Specter
Coleman	Lincoln	Stabenow
Collins	McCaskill	Stevens
Conrad	Menendez	Tester
Dorgan	Mikulski	Voinovich
Durbin	Murray	Webb
Feingold	Nelson (FL)	Whitehouse
Feinstein	Nelson (NE)	Wyden

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Kennedy	Obama

The motion was rejected.

Mr. HARKIN. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

STUDY ON FOLIC ACID

Mr. SALAZAR. The distinguished ranking member, Senator SPECTER, and I wish to engage in a colloquy about an important public health matter.

Folic acid is an essential ''B vitamin'' that plays a critical role in the body's natural processes for making new cells throughout the body. As the Labor/HHS appropriations committee has indicated in its committee report, folic acid fortification can play a critical role in reducing the incidences of serious birth defects, such as spina bifida. In that regard, according to research conducted by the Centers for Disease Control, since the implementation of the FDA's policies governing folic acid fortification in enriched cereal grain products, the prevalence of spina bifida and other neural tube defects has declined approximately 20 to 30 percent.

While this represents significant progress in the prevention of birth defects, the decline falls short of the national policy objective to achieve a 50 percent reduction by 2010. It also falls short of the 50 percent to 70 percent reduction in birth defects that the Public Health Service has estimated would result if all U.S. women of childbearing age consumed the recommended amount of folic acid daily.

Mr. HARKIN. Senator SALAZAR, I commend you for bringing this critical issue to my attention and to my Colleagues' attention. I agree with you that we must do all that we can to reduce serious birth defects.

Mr. SALAZAR. Thank you, Senator HARKIN. Of great concern to me is that the scientific evidence indicates that the progress that has been made since the current fortification policy was adopted is distributed unevenly, and public health efforts have not been successful in reaching some of the population groups that are at highest risk of having a child affected by NTD birth defects. For example, research analyzing the government's 2001–2002 National Health and Nutrition Examination Survey data found that approximately 60 percent of non-Hispanic white women, and nearly 80 percent of Hispanic women and nearly 80 percent African American women consumed less than the recommended amount of folic acid daily.

CDC research suggests that current fortification policy is a barrier to fortifying the types of food consumed by diverse groups and may help explain the disparate results that have been achieved in diverse U.S. populations. In view of the inadequacy of folic acid intake that persists among U.S. women who are most at risk of having a child affected by NTD birth defects, there is a need for further study to evaluate whether greater improvements in the nutritional status of women and the prevention of NTDs can be achieved through the expansion of food and beverage fortification with folic acid.

Senator SPECTER, the statistics show that our current fortification policy is not reaching all populations. Do you agree that we need the CDC to study this issue further, so that we can take appropriate action based on those results?

Mr. SPECTER. As a longstanding advocate of prevention and education programs, Senator SALAZAR, I believe that the CDC should conduct critical public health research regarding our current folic acid fortification policies, so that we have a chance to meet our public health objectives of significantly reducing the occurrences of spina bifida and other birth defects.

Mr. SALAZAR. I am familiar with the distinguished Senator's long history of supporting public health prevention and education programs, and I ask that you work with me when we get to conference to add report language to the Labor, HHS and Education Appropriations bill that would direct the CDC to conduct a study of the additional disease prevention benefits to the U.S. population that would be gained from expanded folic acid fortification of the food and beverage supply consumed by populations currently at risk for inadequate folic acid intake. It is also my opinion that CDC should use public-private partnerships to facilitate that study.

Mr. HARKIN. Senator SALAZAR, I will work with you to expand folic acid fortification of foods and beverages.

Mr. SALAZAR. Thank you, Senator HARKIN and SPECTER. I appreciate your interest in and dedication to addressing this critical public health matter.

Mr. SPECTER. I commend my colleague for working on this important issue and concur with Chairman HARKIN.

COMMUNITY-BASED DOULA INITIATIVE

Mr. DURBIN. Mr. President, I rise to enter into a colloquy with the Senator from Iowa, chairman of the Labor, Health and Human Services, Education and Related Agencies Appropriations Subcommittee, Mr. HARKIN. I am pleased that the subcommittee has designated funding for a community-based doula initiative within the Maternal and Child Health Bureau. In particular, I am eager to see that this funding be used in part to support technical assistance and evaluation activities.

Poor and low-income adolescents make up 38 percent of all women ages 15 to 19, yet they account for 73 percent of all pregnancies in that age group. Teenage mothers are much less likely than older women to receive timely prenatal care and are more likely to smoke during pregnancy. Because of these and other factors, babies born to teenagers are more likely to arrive too early and at a lower birth weight, which puts them at greater risk for serious and long-term illness and developmental delays.

In Chicago, we have seen how the community-doula model can improve the odds for those young moms and their babies. The Chicago Health Connection pioneered this model. The group trained mentors from the community to work with at-risk moms, many of whom had few ideas of where else to turn. These mentors spend time in the neighborhood, finding and befriending pregnant women who need help. With the guidance of the doula, the Chicago Health Connection found that more young mothers were going to their prenatal care appointments, making better lifestyle choices, and not surprisingly delivering healthier babies. The doulas stay with the moms through the early months, encouraging breastfeeding, cuddling, interactive play, and other critically important developmental activities. The key to success in this model is the doula, who comes from the same communities they serve. The doula provides culturally sensitive pregnancy and childbirth education and helps ensure that

pregnant women know how to access prenatal care and social services.

My request to the subcommittee to transform this model into a national priority was supported by Senators OBAMA, BINGAMAN, BROWN and CASEY. In a time of budget constraints, I know that not many new programs were begun and I thank the chairman for making this program a reality. I also commend the chairman for his foresight in expanding it to include community-based breastfeeding programs in rural areas.

I am eager to see the Chicago Health Connection model successfully replicated and to make that happen, it is important that new programs have guidance and help to not reinvent the wheel. I would hope that the national program would include funding for a national leader with expertise in the replication of the community-based doula model as well as expertise in breastfeeding promotion to provide training, technical assistance and evaluation services.

Mr. HARKIN. I thank my friend from Illinois for his leadership on this issue. I have worked hard in this bill to make prevention a priority. Doula programs provide the help and support that families need to create a safe environment for new infants, particularly when mothers have nutritional challenges. Everything we learn from the National Institutes of Health reminds us that this early stage of development is so key to our health and well-being.

And I want to applaud my friend Senator DURBIN for bringing this proven model to me last year. We worked hard to include funding and I agree with him that expert technical assistance will be an important component to this initiative. I look forward to working with Senator DURBIN and Senator SPECTER to monitor the implementation of this program and the outcomes it provides.

PUBLIC ACCESS

Mr. ENZI. Mr. President, I wish to engage in a colloquy with the distinguished Senator from Oklahoma, Mr. INHOFE, and the chairman and ranking member of the Labor-HHS Appropriations Subcommittee, Senators HARKIN and SPECTER.

Mr. President, I am concerned about a provision in the fiscal year 2008 LHHS appropriations bill that would change the National Institutes of Health, NIH, public access policy to a mandate requiring that private sector commercial and nonprofit journal articles be made freely available for worldwide access on an online NIH Web site.

As ranking member of the Health, Education, Labor and Pensions, HELP, Committee, I am concerned that this matter has not been reviewed by our committee, the committee of primary jurisdiction over the NIH. This issue has been handled through the appropriations process, and I believe that the HELP Committee should study the issue and determine the best and most appropriate manner to implement and improve the current voluntary policy. In the Statement of Administration Policy, SAP, issued last week, the administration echoed this sentiment and called on Congress to review the policy and balance the need for public access against the impact it could have on scientific publishing, peer review and intellectual property. The private sector invests hundreds of millions of dollars in the peer review process which vets scientific research, and I believe that a change in the NIH public access policy could undermine that investment.

I would respectfully ask when this bill is conferenced that the section of the Labor-HHS appropriations bill mandating the NIH public access policy be modified so it may receive further study by the committees of jurisdiction to ensure that it achieves its goals without unintended negative consequences.

Mr. INHOFE. I would like to add my voice to Senator ENZI's concern regarding the NIH public access mandate that would force private sector publishers to make their articles freely available on an NIH Web site. I am concerned that this proposal will harm the journal businesses, hurt scientific communication, and impose a severe regulatory taking on commercial and nonprofit publishers. I also believe that this change in policy could have a negative impact on the intellectual property protections for scientific journal articles. I believe this issue is different from making underlying scientific data available. I believe that federally funded scientific raw data should be available for other researchers to review. I would also ask that Senators HARKIN and SPECTER agree to work with me to revise this NIH provision when this bill is conferenced.

Mr. HARKIN. I remain committed to retaining the provision in conference as it is written in the Senate and House Labor-HHS appropriations bills. I will be happy to work with the Senators from Wyoming and Oklahoma to ensure that the policy is implemented as smoothly as possible for the NIH, researchers, and scientific publishers.

Mr. SPECTER. I thank the Senators from Wyoming and Oklahoma for their concerns about the NIH public access policy, which I share. I will work with the chairman to closely monitor the policy's implementation.

Mr. ENZI. I thank the distinguished chairman and ranking member of the subcommittee.

Mr. INHOFE. I also thank the distinguished chairman and ranking member of the subcommittee for their willingness to work with Senator ENZI and me on this important issue.

MENTORING CHILDREN OF PRISONERS GRANT PROGRAM

Mr. CORNYN. Mr. President, about 2 percent of all children under the age of 18 have at least one parent incarcerated in a State or Federal prison. According to the Bureau of Justice.

In 1999 an estimated 721,500 State and Federal prisoners were parents to 1,498,800 children under age 18. 22 percent of all minor children with a parent in prison were under 5 years old. Prior to admission, less than half of the parents in State prison reported living with their children 44 percent of fathers, 64 percent of mothers.

As a group, children of prisoners are less likely than their peers to succeed in school and more likely to become engaged in delinquent behavior. So, it is important that we support organizations that provide positive adult mentors to address the needs of these at-risk children—organizations like the Seedling Foundation in Austin, TX; and national organizations like Big Brothers and Big Sisters, and Amachi, both of which have chapters in most States.

Many of these organizations depend on grants from the Mentoring Children of Prisoners Program, authorized in 2001 under section 439 of the Social Security Act and administered by the U.S. Department of Health and Human Services. This program was designed to keep children connected to a parent in prison in order to increase the chances that the family will come together successfully when the parent is released. Unfortunately, this program has been level-funded for the past few years.

The current allocation for the Mentoring Children of Prisoners Program is $507,000 below the President's request and is at the fiscal year 2007 level. I would have preferred that the Senate adopt an amendment to a modest increase in fiscal year 2008 funding and restore this amount to the Senate bill. At the very least, I would encourage the conferees to retain the existing funding for this program.

Mr. HARKIN. I agree with my colleague and will work during the conference process to ensure that funding for this program is not reduced.

Mr. SPECTER. I share my colleague's strong and enthusiastic support for this important program. I will continue to support the existing funding levels for the Mentoring Children of Prisoners Program when we conference this bill.

DEAFBLIND PROGRAMS

Mr. KERRY. Mr. President, I would like to engage the distinguished chairman of the Subcommittee on Labor, HHS, and Education, Mr. HARKIN, in a colloquy concerning funding for deafblind services and programs at the Department of Education. Would the chairman and manager of the bill entertain a question?

Mr. HARKIN. Mr. President, I would be happy to.

Mr. KERRY. As the Senator knows, tremendous progress has been made in addressing the needs of deafblind children and their families over the past two decades. Despite a doubling of the population of children who are deafblind over that same time period, the 46 State and regional project centers that support the deafblind community have not had a budget increase in over 20 years.

In fiscal year 2007, the national technical assistance and dissemination program at the Department of Education

received $48.9 million for all disability technical assistance, of which $12.8 million is designated for deafblind programs and services. At a time when remarkable advances in medicine and technology are enabling many more of these infants and children to survive and live longer, it is important for Congress to recognize the need for increased support.

While the President's budget proposed baseline funding for this program, the House included a modest $2 million increase for deafblind programs for fiscal year 2008 in their Department of Education appropriations bill. The equivalent allocation in the Senate was, of course, lower than in the House.

I know the chairman recognizes the urgent help our States need to improve their services for families, to support the activities of the national technical assistance and dissemination center on deafblindness, and to strengthen personnel preparation programs.

Mr. President, I would ask the chairman if he would be willing to continue to work during the conference process to include a $2 million budget increase for deafblind funding?

Mr. HARKIN. Mr. President, I would say to the Senator from Massachusetts that I agree with his description of the challenges facing the funding for deafblind services and that it is my hope that we can find agreement with our House colleagues to retain the modest funding increase that appears in their bill.

Mr. KERRY. Mr. President, I thank the chairman for his help on this issue.

FAMILY LITERACY PROGRAM

Mrs. CLINTON. Mr. President, I wish to speak on a program that is not just important to me and to many of my constituents in New York but to thousands of children and parents across the country. The William F. Goodling Even Start Family Literacy Program is a highly valuable program that gives economically and educationally disadvantaged parents the tools necessary to support early literacy and language development for their young children. Even Start not only coordinates with early childhood education programs and home visitation programs like HIPPYUSA to provide literacy and language development services, but also incorporates parental involvement. The program assists parents to fulfill their role as their child's first teacher by providing them with adult and parenting education, English as a second language instruction, and structured parent-child joint literacy activities that we all know are necessary for children to arrive at school ready to learn.

The Even Start Program is the only early literacy program that works with parents to serve children during the infant and toddler years, a developmental period that research shows is critical for building later reading proficiency. Moreover, Even Start has been shown to be highly effective in helping low-income parents support their children's education and breaking the cycle of illiteracy and poverty.

During recent years, Even Start has been plagued by a pervasive misconception that the program is ineffective. This has resulted in drastic funding cuts. To date, many Even Start Programs have closed down and thousands of vulnerable families have lost services. In 2005, Even Start Programs in New York were serving 3,064 families. Today, due to the Bush administration's budget cuts, Even Start is serving only 722 families. We can all agree these are dramatic cuts for a program that serves such vulnerable families. For New York, cuts to the Even Start Program have affected 2,342 families.

In order to keep the program alive, it is imperative the Senate ensure the Even Start Program receives the fiscal year 2007 level of $99 million. I am proud to be joined by my colleagues, Senators HARKIN and SPECTER, and most of all by Senator SNOWE who has spent the last 3 years championing this program with me.

Ms. SNOWE. Mr. President, I support the William F. Goodling Even Start Family Literacy Program. I am proud to join my colleague, Senator CLINTON, on this important issue. Senator CLINTON and I have been fighting for this program for the last 3 years, and we are committed to continuing to fight until this program is fully restored.

The majority of Maine's neediest families have also had services taken away from them due to cuts over the past 2 years. In 2005, Even Start Programs in Maine served 168 families through 9 programs. Today, Even Start is only serving 57 families through 3 programs. This means that 66 percent of Maine families being served have lost Even Start services over the past 3 years.

These families depend on Even Start for help in learning English, pursuing educational opportunities, and obtaining job skills. In a Texas A&M University Study, 2004–05, parents participating in Even Start were more often and better employed. The study found that employment jumped from 17 percent before enrollment to 51 percent after program completion, and wages increased by more than 25 percent.

This program helps parents acquire important skills to be their child's first and most important teacher. In fact, Even Start complements other early childhood education programs such as Head Start and Reading First by providing the comprehensive family services that help children in these critical years. Even Start is also consistent with the parent involvement goals of the No Child Left Behind Act. The program supports parents to be effective advocates for their children.

Mrs. CLINTON. Mr. President, Even Start Programs are essential to breaking down the barriers that poverty and illiteracy create by integrating early childhood education, adult literacy, or basic education, and parenting education into a unified family literacy program. That is why 35 national organizations, including the Center for Law and Social Policy, the Children's Defense Fund, the National Council of La Raza, Home Instruction for Parents of Preschool Youngsters USA, and Pre-K Now. We have an obligation to our most vulnerable families to support services that they need the most.

The criticisms of Even Start have been largely based on the findings from the U.S. Department of Education's national evaluation released in May 2003. However, this study contained serious methodological flaws that call into question the accuracy of the findings. For example, the study's sample was not representative of the Even Start population. Thus, findings cannot be generalized to all of Even Start, particularly Even Start participants in rural communities or special populations, such as migrant and Native American families. Experts in assessment of limited English-proficient, LEP, individuals caution that the findings for LEP individuals, who represent 75 percent of those assessed in the study, are flawed due to inappropriate assessment protocols and measures. Of the 118 Even Start projects eligible to participate in the study in 2003, only 18 programs self-selected, meaning that researchers included programs largely based on who volunteered rather than using random selection, and such a small pool of programs overall does not allow for the study's findings to be generalized to all of Even Start.

However, the California Department of Education Even Start evaluation found that the percentage of parents who reported reading to their child on a more regular basis and involvement in activities such as parent-teacher conferences increased each year that they were served by the program.

Even Start families are the most in need. Eighty-four percent of Even Start's families are at or below Federal poverty levels. Eighty-four percent of Even Start adults do not have a high school diploma or GED, and 44 percent of the parents have not gone beyond the ninth grade. Nearly one-third of children and parents served by Even Start are limited English proficient.

Mr. HARKIN. Mr. President, I thank my colleagues, Senator CLINTON and Senator SNOWE, for bringing this critical issue to the floor of the U.S. Senate.

The Even Start Family Literacy Program is a valuable program, and I agree with my colleagues that Congress must do all that it can to ensure that the Even Start Program receives an adequate funding level to keep the program alive.

Mr. SPECTER. Mr. President, I also want to thank Senators CLINTON and SNOWE for their hard work on this critical program, and I look forward to working with the chairman in providing the needed resources for the Even Start Family Literacy Program.

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Mr. SANDERS. Mr. President, I first want to thank Chairman HARKIN and

Ranking Member SPECTER for their terrific work on the Labor-HHS appropriations bill. I appreciate how well the chairman and the ranking member were able to address so many of the important issues in this bill despite the overwhelming needs of so many worthy programs that have been terribly underfunded during the Bush administration. With this in mind, I want to enter into a colloquy to clarify a key issue concerning this measure.

As a member of the HELP Committee and its Retirement and Aging Subcommittee, I am a strong supporter of the Senior Community Service Employment Program, SCSEP, which provides part-time community service opportunities at minimum wage for unemployed low-income seniors over the age of 55 with poor employment prospects. This year, approximately 100,000 seniors nationally will have access to assistance from the SCSEP program. Last year, approximately 94,000 were served and 40 million hours of community services were provided at local community-based organizations, and 33 percent of participants obtained employment as a result of participating in this program

Through SCSEP, low-income older people benefit from training, counseling, and community service assignments at nonprofit organizations and public agencies before transitioning into the workforce. Participants' community service assignments benefit schools, health facilities, homeless shelters and food banks, disaster relief agencies, and aging services. The wages participants earn makes the difference in their ability to care for basic necessities of life such as food and medicine. Many participants overcome homelessness and other obstacles such as disabilities, literacy deficiency, language, or lack of self-esteem through their participation, and are able to compete for jobs in their local communities. Each year thousands of participants transition to employment, allowing additional older workers to benefit from the SCSEP.

The SCSEP program was reauthorized last year as part of the Older Americans Act with strong bipartisan support as a result of the tremendous difference the program makes in the lives of our Nation's low-income seniors and our communities. As our population continues to grow grayer, the need for SCSEP services is anticipated to grow accordingly.

SCSEP rewards work and the important contribution our Nation's seniors can make to our society. However, program costs will rise this coming year as the increase in the minimum wage results in higher costs for the SCSEP program due to the minimum wage payments made to program participants. In order to continue current participant service levels, the House bill provided $531 million for SCSEP, which provides adequate funds to cover the 2008 minimum wage increase.

I know that Senator HARKIN and Ranking Member SPECTER are supporters of the program but had a funding allocation $2 billion lower than their counterparts in the House.

Can the chairman provide his commitment of his intent to fund SCSEP at the House-passed level when he moves to conference with the House?

Mr. HARKIN. I thank the Senator from Vermont for his support of this important program and share his commitment to our Nation's low income seniors. I want to assure him that I am committed to funding the program at the highest level possible and will work with the House to do so within our existing budgetary constraints. I thank the Senator from Vermont.

Mr. SPECTER. I agree with the chairman.

Mr. SANDERS. I thank the chairman and the ranking member for their work on this critical issue.

NATIONAL HEALTH SERVICE CORPS

Mr. DORGAN. Mr. President, I commend the chairman and ranking member for rejecting the President's proposal to slash funding for rural health programs by more than 90 percent. The President proposed eliminating practically every rural health program except for the Federal and State offices of rural health. If enacted, these cuts would have a devastating effect on communities in North Dakota and all across rural America. Although one-fifth of the Nation's population lives in rural areas, 70 percent of all underserved areas in the country are rural. I thank the chairman and ranking member for restoring funding for the rural health programs in this bill.

One of the big problems in rural areas is recruiting and retaining health professionals. More than 80 percent of North Dakota's counties are designated as Federal health professional shortage areas. Although recruiting and retaining health professionals is a major challenge in rural communities, it is also a problem in some urban settings. In fact, more than one of every four counties in the United States is designated as a health professional shortage area. Residents who live in these areas frequently have to drive long distances or wait to access the care they need. One of the ways Congress has sought to reduce the number of shortage areas is by supporting a program called the National Health Service Corps, which provides full-cost scholarships or sizable loan repayment to clinicians who agree to serve in a shortage area. I was disappointed that the President proposed cutting funding for the National Health Service Corps by $9 million in fiscal year 2008. I appreciate that the chairman and ranking member were able to restore funding to the fiscal year 2007 level. However, I believe that we must ramp up our investment in this program as well as consider other initiatives to reduce the number of health professional shortage areas.

When this funding bill gets to conference, I encourage the chairman and ranking member to support the funding level proposed by the House for the National Health Service Corps. The House bill would provide a $5.8 million increase for the National Health Service Corps for fiscal year 2008.

Mr. SANDERS. I would like to congratulate the chairman and ranking member for their ongoing championing of critical programs that support health care access, including making substantial investments in the Nation's community health centers. The expansion of the National Health Service Corps is essential if health centers are to continue to meet the health care needs of their growing disadvantaged populations, and if we are to address the impending crisis in the supply of primary care doctors and dentists. Increasing the program's funding over the next several years is an important goal. The program is strongly supported by the Association of American Medical Colleges, which has called for an increase of 1,500 Corps awards per year to help meet the need for physicians caring for underserved populations and to help address rising medical student indebtedness.

In fiscal year 2007, the National Health Service Corps was funded at $126 million and the current level approved by the Appropriations Committee for fiscal year 2008 would level-fund the program. I thank the committee members for rejecting the administration's proposal which would have actually reduced funding by $10 million for this vital resource in the face of a dwindling supply of primary care doctors and dentists. While I recognize the many competing needs of important programs within the Labor, Health and Human Services, and Education appropriations bill, at the very least, I would like to see the National Health Service Corps program funding increased by the $5.8 million approved by the House of Representatives.

Ms. MURKOWSKI. I would like to thank the chairman and the ranking member of the subcommittee for providing one of the largest increases in funding for community health centers which include migrant health centers, health centers for the homeless, and public housing health services. Community health centers particularly impact medically underserved communities which can be in urban settings like New York City or in the most frontier of all States, my home State of Alaska.

I am pleased that the bill before us today recognizes the importance of community health centers and provides $2.26 billion in funding for the program. But what about staffing these facilities? While it is important that we provide money for building these centers, we simply cannot ignore the fact that many community health centers throughout America are not fully staffed. According to a Washington Post article from June of this year, many of these centers rely heavily on the National Health Service Corps. Still, this is not enough to fill the gap,

according to the National Association of Community Health Centers. For lack of funding, the Health Service Corps had to turn away about 50 percent of the 1,800 doctors who applied last year.

Whether in a large urban city like New York, or a frontier community like Bethel, AK, the National Health Service Corps should be properly funded so that millions of underinsured and uninsured Americans have access to health care. I believe that with an increase to the appropriations for the National Health Services Corps we will be able to achieve that and encourage my colleagues to match the House-passed funding levels.

Mr. SCHUMER. Mr. President, I also would like to commend Chairman HARKIN and Ranking Member SPECTER for putting together a funding bill for the Departments of Labor, Health and Human Services, and Education that reflects of our Nation's priorities and will do much to help the American people. Of particular importance to me and my State is the funding for the National Health Service Corps. I appreciate that the chairman and ranking member were able to restore funding to the fiscal year 2007 level for this program, but believe that we need to do more to combat the serious issue of physician shortage in the underserved areas of our States. In my State, hospitals and health centers are searching for physicians who will fill the numerous vacancies that physician retirement and retention problems have created. We need more specialists, surgeons, and general practitioners, dentists, nurse practitioners, and nurse-midwives. We need to do more to recruit and retain these essential providers—and that is exactly what the National Health Service Corps does. Robust funding of this program, in addition to pursuing other strategies to assist areas experiencing health professions shortages, will make a significant difference to patients and the providers and facilities that care for them. I thank the chair and ranking member and hope that the National Health Service Corps program funding is increased by the $5.8 million that was approved by the House of Representatives.

Mr. HARKIN. I share my colleagues' support for the National Health Service Corps and agree that we must do more to reduce the number of health professional shortage areas. In my State, 14 of our counties are designated as shortage areas, so I know this issue firsthand. When this bill gets to conference, I will support as much funding as possible for this important program, and I look forward to continuing to work with my colleagues to ensure an expansion of the National Health Service Corps.

Mr. SPECTER. I will work with Senator HARKIN to provide as much funding as possible for this program when we get to conference with the House.

LIFESPAN RESPITE CARE APPROPRIATIONS

Mr. WARNER. Mr. President, I speak in regard to Senate amendment No. 3394, an amendment sponsored by Senator CLINTON and I, which provides $10 million in funding—fully offset—for the Lifespan Respite Care Act. Currently, the House of Representatives fiscal year 2008 Labor, Health and Human Services, Education appropriations bill contains $10 million for this important program. However, the Senate's version contains no such funding.

As you know, the Lifespan Respite Care Act passed unanimously in the Senate last year and was signed into law by the President on December 21, 2006. This important program authorizes competitive grants to Aging and Disability Resource Centers in collaboration with a public or private nonprofit State respite coalition to make quality respite available and accessible to family caregivers, regardless of age or disability.

I know that my good friends Senator HARKIN, the chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, and Senator SPECTER, the ranking member of the subcommittee, recognize that funding this program will be a win-win-win for everybody involved. Patients will be able to receive care in the home from loving, caring family members rather than in a nursing home. Family members will be even further encouraged to serve as a family caregiver knowing that services will be available to assist them. And, finally, the Federal Government and our health care system will recognize fiscal savings as more care will be given in the home by a family member rather than in the more costly nursing home setting. As we all know, given the aging baby boomer generation, the cost of Medicaid nursing home care is expected to be a primary reason of increased health care costs in the years to come. Funding the Lifespan Respite Care bill is one step in the right direction towards controlling these costs.

I encourage the chairman and ranking member to try to achieve $10 million in funding for the Lifespan Respite Care Act.

Mrs. CLINTON. I rise today with my colleagues, Senators HARKIN, WARNER, and SPECTER to talk about the importance of providing adequate funding for the Lifespan Respite Care Act. Across our country quality respite care remains hard to find. Where community respite care services do exist, there are often long waiting lists. And until the Lifespan Respite Care Act, no Federal plan focused on respite care to coordinate among disparate and fragmented services.

This legislation, enacted almost 1 year ago, is designed to expand and enhance access to respite care services to provide support and relief to families providing care; to help ailing loved ones stay in their homes longer; and to control health care costs as respite care allows families to postpone or prevent expensive hospitalization and nursing care.

Family caregivers provide 80 percent of all long-term care in the U.S.—work that is virtually always unpaid but valued at more than $300 billion annually. That is more than the entire amount we spent on Medicare in 2004.

Because of their responsibilities at home, studies have shown us that it is much more difficult for caregivers to find and maintain jobs. Many caregiving families are struggling to stay afloat. The cost to businesses is estimated in the tens of billions of dollars, including the cost for employees who leave jobs due to overwhelming responsibilities at home.

This labor of love often results in substantial physical and psychological hardship. Research suggests that caregivers often put their own health and well being at risk while assisting loved ones. Many caregivers are exhausted and are more prone to illness themselves. One study found that caregivers are 51 percent more likely to experience sleeplessness and 61 percent more likely to experience depression.

Often, this incredible struggle—with little support despite the heroic efforts of the organizations advocating for and providing respite care—leads to more costly out-of-home placements as a family's only alternative.

Like Senator WARNER, I also ask the chairman and ranking member of the Labor, Health and Human Services Appropriations Subcommittee to try to provide $10 million in funding for the Lifespan Respite Care Act.

Mr. SPECTER. The Lifespan Respite Care Act is a worthwhile piece of legislation that will impact almost all American families. I will work with the chairman to provide funding for these activities.

Mr. HARKIN. Respite care programs recognize the vitally important work that families do when a loved one is struck with illness or disability. I have long been a supporter of home and community-based services to keep people with disabilities in their homes and respite care is an important part of that effort. For that reason, I will work with my colleague, Senator SPECTER, to obtain funding for the Lifespan Respite Care Act in conference.

HEALTH INFORMATION TECHNOLOGY NETWORK DEVELOPMENT

Mr. ISAKSON. Mr. President, it is my understanding that the Health Information Technology Development program will see a substantial increase in this appropriations bill, and I applaud the chairman and ranking member's commitment to this program by recognizing the need to develop systems that will help disseminate vital information to help in the detection, prevention, and treatment of some of the most devastating diseases.

In particular, this program is important to improve access to quality care for Georgians living with cancer. Cancer unfortunately acutely affects Georgia, as it is the second leading cause of

death within the State, yet there is a shortage of options available for those afflicted with cancer. The Georgia Cancer Coalition, in partnership with and as the parent organization of the Georgia Center for Oncology Research and Education, GA–CORE, is an independent, nonprofit organization working to improve cancer care and strengthen clinical research throughout Georgia by encouraging collaboration, sharing of information, and improving the clinical trials process. To that end, the Georgia Cancer Coalition has created a model that harnesses the combined talents of cancer researchers, physicians, and academia throughout the State to work to eradicate this destructive disease. The State of Georgia has already recognized the importance of this initiative by allocating funds from the State's budget.

As I mentioned before, the Health Information Technology Development program will see a substantial increase in Federal dollars in fiscal year 2008, and I really believe that some of it should go to Georgia.

Mr. SPECTER. Mr. President, like my colleague from Georgia, I am supportive of the Health Information Technology Development program, and I was happy to support the chairman's effort to increase funding for it. I believe that the goals of the Department of Health and Human Services through its Office of the National Coordinator of Health Information Technology may be well-served by the sort of program that Senator ISAKSON described a moment ago.

Mr. HARKIN. I appreciate the comments by the Senator from Georgia, as well as the ranking member. I agree with them that the Health Information Technology Development program is a step towards better dissemination of health information and better health care, and I will work with my colleagues during conference with the House to provide as much funding as possible.

(At the request of Mr. HARKIN, the following colloquy was ordered to be printed in the RECORD.)

HIV/AIDS PROGRAMS

• Mr. DODD. First, I would like to thank and congratulate the distinguished chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee on putting together this vitally important appropriations bill that will restore and grow funding for so many of our Nation's domestic health, education and labor programs. In particular, he should be commended for his leadership in support of funding for domestic HIV/AIDS programs.

As a senior member of the Health, Education, Labor and Pensions—HELP—Committee, I am deeply troubled by the impact Public Law 109–415, the Ryan White HIV/AIDS Treatment Modernization Act of 2006, has had on the State of Connecticut. Is the distinguished chairman aware that the State of Connecticut lost a total of $3.3 million in Federal funding in the current fiscal year as a result of improper implementation of the reauthorization by the Bush administration?

Mr. HARKIN. I am aware of the cuts the State of Connecticut has sustained and am aware that these cuts directly impact individuals living with HIV/AIDS in your State.

Mr. DODD. I am particularly concerned because these funding cuts so deeply impacted Connecticut's two transitional grant areas, formerly eligible metropolitan areas, Hartford, which lost nearly $1.5 million, and New Haven, which lost nearly $1.6 million. Urban areas in my State, like many urban areas throughout the U.S. with a long history of the presence of this disease, have systems of medical care and treatment that have been disrupted by the Ryan White CARE Act reauthorization bill. When I put my support behind the final reauthorization bill, it was with the understanding that this bill would do no harm to my State. In fact, an analysis of the reauthorization bill provided by the Government Accountability Office and others prior to its passage showed that the State of Connecticut and the cities of Hartford and New Haven would gain over $2 million as a result of its passage. However, this has not been the case.

Mr. HARKIN. Section 102 of Public Law 109–415 lists States by name that have sufficiently reliable and accurate names-based reporting of living non-AIDS cases of HIV. The State of Connecticut is not listed among those States. However, it is my understanding that the Health Resources and Services Administration, HRSA, has administered the program as if Connecticut were on that list. Is that true?

Mr. DODD. Yes, it is. Connecticut is not listed among the States with sufficiently reliable and accurate names-based reporting of living non-AIDS cases of HIV. During negotiations on the reauthorization bill, I was told by officials in the Bush administration that Connecticut's names-based reporting system could not yet be considered sufficiently reliable and accurate because it had not reported HIV cases by name for four consecutive years. Connecticut would not be in that position until 2009, at the earliest. The result has been that my State lost $3.3 million in Federal funding.

I am also deeply troubled by reports of how HRSA may be measuring urban areas' demonstrated need for supplemental funding. Under Public Law 109–415, HRSA can consider the impact a decline in formula funding under title I would have on individuals living with HIV/AIDS for purposes of supplemental grant funding. It is my understanding that this language targets urban areas whose decline in formula funding has meant a decline or disruption of services for people living with HIV/AIDS by giving them priority in the supplemental funding process.

Mr. HARKIN. I see.

Mr. DODD. It is my hope that the impact of a decline in formula funding under title I will be measured based on the urban areas' prior year formula award. This is because applicants for supplemental funding do not know their current years' formula award at the time they apply for supplemental funding and therefore neither the applicant nor HRSA can measure the current years' decline or disruption of services for individuals living with HIV/AIDS. It is my hope that I can work with the distinguished chairman in conference to provide some clarification and guidance to HRSA on this critically important issue.

It has been stated that the Ryan White reauthorization bill better targeted funding so that infected persons would have better access to high quality health care. Residents in the State of Connecticut do not have better access to high quality health care as a result of the Ryan White reauthorization bill. However, there is funding in the House-passed Labor, Health and Human Services, and Education appropriations bill that is targeted to cities losing funding under title I. I strongly support this targeted funding and urge that it be maintained in the final conference report.

Mr. HARKIN. I appreciate knowing of the Senator's support for this provision. I will certainly keep it in mind as we move into conference negotiations.

Mr. DODD. I thank the Senator for his consideration.•

(At the request of Mr. MCCONNELL, the following statement was ordered to be printed in the RECORD.)

• Mr. MCCAIN. Mr. President, here we go again, pushing through a bloated appropriations bill chocked full of earmarks and far exceeding the President's budget request. This is the seventh annual appropriations measure that has been considered by the Senate and it is by far the biggest budget buster of those considered. The first six bills exceeded the President's request by over $8 billion, while this bill alone exceeds the President's budget request by almost $9 billion. At what point will Congress come to grips with the fact that we are mortgaging our children's and our grandchildren's futures by approving bills like this?

The Department of Labor, Health and Human Services, and Education, and Related Agencies appropriations bill for fiscal year 2008 provides over $605 billion, including $149.2 billion in total discretionary spending and, as I mentioned, exceeds the President's budget by $8.95 billion. The Statement of Administration Policy begins with the following;

The Administration strongly opposes S. 1710 because, in combination with the other FY 2008 appropriations bills, it includes an irresponsible and excessive level of spending and includes other objectionable provisions. The statement goes on to say, The Administration has asked that Congress demonstrate a path to live within the President's topline and cover the excess spending in this bill

through reductions elsewhere, while ensuring the Department of Defense has the resources necessary to accomplish its mission. Because Congress has failed to demonstrate such a path, if S. 1710 were presented to the President, he would veto the bill.

Well, it looks like he will have the opportunity to do just that.

There are over 1,000 earmarks in this bill. Examples include: $1 million for the Bethel Performing Arts Center in Liberty, NY, for the Woodstock Museum (which the Senate did strike by a vote 52:42); $500,000 for the New York Botanical Garden, Bronx, NY, for the virtual Herbarium; $200,000 for Dallas, TX, for the Women's Museum; $200,000 for the Italian American Cultural Center of Iowa in Des Moines; $250,000 for the James K. Polk Association in Columbia, TN, for exhibit preparation; $100,000 for the Los Angeles Craft and Folk Art Museum; $500,000 for the Southwest Museum of the American Indian in Los Angeles, CA; $100,000 for the Warner Robbins Museum of Aviation in Georgia; $200,000 for the Texas Historical Commission; $600,000 for the Vermont Department of Labor for Job Training of Female Inmates in Vermont; $2.4 million for Maui Community College for the Remote Rural Hawaii Job Training Project; $1.8 million for Maui Community College for training and educational opportunities; $750,000 for Minot State University to provide training and masters degrees to job corp center senior management personnel; $250,000 for the United Auto Workers Region 9 Training Initiative in New York; $900,000 for the Lyndon Baines Johnson Foundation in Austin, TX, for the Presidential Timeline Project; $1.1 million for the Billings Clinic, Billings, MT—interestingly, the Billings clinic only has 272 beds in its hospital, and received recently an endowment of over $1 million for its cancer center; $5.9 million for Marshall University, WV, including $1,575,000 for the Virtual Colonoscopy Outreach Program; $3,600,000 for Mountain State University, Beckley, WV, for the construction of the Allied Health Technology Tower; $3,150,000 for West Virginia University, for the construction and equipping of medical simulation research and training centers; $4,050,000 for West Virginia University, for the construction of a Multiple Sclerosis Center; $1,000,000 for Wetzel County Hospital, WV, for the expansion and remolding of the Emergency Department; $2,000,000 for the Iowa Department of Public Health to continue the Harkin Wellness Grant program; and $100,000 for Iowa Games, Ames, IA, to continue the Lighten Up Iowa program.

I could go on and on calling out earmarks in this bill and its accompanying report. We are doing a disservice to the American taxpayers and ourselves by approving such wasteful spending. It doesn't have to be this way. In fact, for the past 2 fiscal years, the programs funded through the Labor-HHS bill were virtually pork-free. A fortunate disagreement resulted in almost no earmarks in the fiscal year 2006 bill, which had about 3,000 earmarks the prior year. And last year, we funded the programs with a continuing resolution that, for the taxpayers, turned out to have been about the most fiscally responsible route that we could have taken.

I urge my colleagues to reject the excessive spending in the bill.●

(At the Request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. CLINTON. Mr. President, I rise today to express my support and gratitude for the $55 million included in this legislation to support our continued efforts to address the health impacts of 9/11. I would in particular like to thank Senator HARKIN, Senator BYRD, Senator SPECTER, and their colleagues on the Senate Appropriations Committee for their efforts to help the many responders, recovery workers, residents and others who have been suffering from persistent adverse health effects resulting from exposure to the toxins released during the attacks on the World Trade Center.

When the towers collapsed, thousands of tons of coarse and fine particulate matter were released into the air—including cement dust, glass fibers, asbestos, lead, hydrochloric acid, and other toxic pollutants. The combustion of jet fuel after the attacks created a dense plume of black smoke, filled with other toxic substances like benzene and polycyclic aromatic hydrocarbons. Fires at Ground Zero continued to burn underground for several months after the attacks.

Thousands worked and lived by this Ground Zero site, amidst the dust, smog, and toxic mix of debris. People also worked at Fresh Kills, the landfill in Staten Island, where workers sifted through the debris in an attempt to discover evidence and recover human remains. And in the first few months following the attacks, we began to hear reports of persistent coughing among rescue workers. These reports were among the first indications of the multiple physical and mental health impacts we have identified among workers, responders, and residents following 9/11—chronic respiratory illness, anxiety and depression, and musculoskeletal injuries, among others. I believe we have a moral obligation to take care of those suffering from 9/11 related illnesses, and I would like to commend the Appropriations Committee for helping to meet that obligation.

I have been working with my colleagues on the Health, Education, Labor and Pensions Committee to develop a long-term solution to address these health care needs, and I am pleased to note the bipartisan support from my colleagues there. As we continue our efforts to develop this solution, the cooperation of the appropriators in maintaining funding for existing programs is greatly appreciated.

In the wake of the attacks, I have been proud to work again and again with Senators HARKIN, BYRD, SPECTER, and others to secure funding to establish necessary screening, monitoring and treatment programs to address the health care needs of those impacted by 9/11. Through our joint efforts, we have allocated funding to establish Centers of Excellence at the Fire Department of New York and Mt. Sinai Medical Center, as well as its affiliated institutions. These institutions have been working on these issues as the early reports of illness appeared, and providing care and medical guidance to the responders and recovery workers who were at Ground Zero and Fresh Kills.

In partnership with the National Institute for Occupational Safety and Health, these Centers of Excellence have engaged in efforts to treat those suffering these attacks, as well as research and monitoring to allow us to understand more about the ways in which these exposures do result in disease. And in addition to these efforts, I also want to highlight the work of the City of New York, which has established another Center of Excellence at Bellevue Hospital with city funds to meet the needs of residents, office workers and others who were exposed to these toxins.

The $55 million included in this legislation will go towards continuing these programs to carry out the screening, monitoring and treatment activities administered by NIOSH. It also includes language requiring the Department of Health and Human Services, again working through NIOSH, to expand its efforts to address the needs of residents, office and commercial workers, students, and other individuals who were exposed.

With this funding, we will ensure that those who responded in our hour of need are helped in their hour of need. We will continue to expand our understanding of the ways in which exposure to environmental hazards adversely impact human health. We will be helping the previously healthy detectives, firefighters and construction workers—people in good physical shape before the attacks who now have difficulty breathing and who experience mental health concerns. For these individuals, their illnesses are a constant reminder of that terrible day, and evidence of the sacrifices made to assist our country after a terrorist attack.

Again, I would like to thank Senator HARKIN, Senator BYRD, Senator SPECTER, and others on the Appropriations Committee for helping to support these programs.●

Mr. CARDIN. Mr. President, I rise today in support of H.R. 3043, the fiscal year 2008 Department of Labor, Health and Human Services, and Education, and Related Agencies appropriations bill. Some call this legislation the most significant appropriations bill we will consider as it touches the lives of every single American. Each American citizen has the right to basic education, adequate healthcare, and access to employment opportunities. In providing funding across three major

agencies, we are ensuring that our citizens have every opportunity to reach their maximum potential. I appreciate the opportunity to highlight a few of the bill's major provisions.

American workers deserve every opportunity to provide for their families. Investment in training, education, and employment services leads to good jobs that provide self-sustainability for workers and their families. This was the purpose of the Workforce Investment Act and is what the funding provided for in this bill accomplishes through various job training programs. This bill acknowledges the value of training and employment services by continuing to fund adult employment and training, youth training and dislocated worker assistance programs.

This bill also provides critical funding for the National Institutes of Health, or NIH. NIH funds significant health research at over 3,000 institutions throughout the U.S. and around the world. While increased funding provided in this bill is a good start, we can, and must, do more. NIH funding supports research to develop and find cures for a myriad of health issues, including cancer, diabetes, stroke, and mental illness. These are significant health concerns facing Americans today.

As you are aware, NIH is headquartered in Bethesda, MD, where more than 18,000 are employed. So it is especially important to me, a Senator from Maryland, that we give all of these individuals the resources they need to improve and save lives through health research. I commend the Appropriations Committee for supporting this agency with a 3.3 percent increase to the overall NIH budget. However, if we expect America to remain a leader in medical advancements and technologies, we must be committed to providing researchers the resources they need to move forward. I am committed to that goal and urge my colleagues to remain vigilant, as well.

This bill provides a $125 million increase above the administration's budget request for the Social Security Administration's, SSA, administrative expenses and for that I am grateful. However, that increase does not adequately address SSA's serious backlog issue. It is no secret that the Social Security Administration's resources are stretched thin. Disability claims are arising at an alarming rate. Currently, over three-quarters of a million individuals are waiting for a hearing decision as pending hearings have increased to a record 752,103. Further, the time that an applicant must wait for a hearing continues to rise, currently averaging 523 days. Compounding the crisis, Medicare reform legislation passed by Congress has increased SSA's responsibilities. Field offices average over 850,000 visitors a week. Meanwhile, SSA continues to downsize its labor force. Further, we hear a lot of talk about fraud, waste, and abuses within the SSA.

I submit that we will never get a handle on the problem unless we provide adequate resources to address it. We in Maryland are fortunate to have the Social Security Administration Headquarters in Baltimore. By not adequately addressing the SSA backlogs, not only are we doing harm to the hundreds of thousands of individuals that, due to health circumstances beyond their control, can no longer support themselves, we are also tying the hands of the hard-working individuals assisting them. Again, I commend the Appropriations Committee for providing additional funding SSA administrative expenses but note that the agency needs additional funding to avoid further staff reductions and an increasing disability backlog.

I would like to take this opportunity to thank my colleagues for their support of my amendment establishing the sense of the Senate that the Secretary of Health and Human Services should maintain ''deemed status'' coverage under the Medicare Program for clinical trials that are federally funded or reviewed. Under current policy, trials that are federally funded or reviewed by institutions such as the National Institutes of Health, received ''deemed status'' and were not subjected to additional review to be eligible for reimbursement. This policy has worked well for 7 years.

Prior to 2000, too few seniors participated in clinical trials. One reason for this disparity was Medicare's reimbursement policy. Because Medicare was modeled on the indemnity health insurance policies, it did not pay for treatment considered ''experimental'' in nature, and so often denied reimbursement for the routine patient care costs associated with clinical trials. Many seniors could not afford to pay these costs themselves, and so they were by and large excluded from these trials. CMS has recently considered changing this policy, requiring trial sponsors to undergo a process certifying that they have met 13 separate criteria to qualify for Medicare coverage. This new policy has the potential to reverse the progress that has been made over the past 7 years by making it much more difficult for trials to qualify.

Seniors' participation in clinical trials serves two vital functions. First it affords many seniors with serious illnesses their only hope for lifesaving treatment. Second, it is key to researchers' efforts to determine the effectiveness of therapies for seniors. Since this issue has come to light, I have heard from hundreds of patients and providers across the country who agree that we must continue to remove access barriers to innovative healthcare treatments for our seniors. Again, I thank my colleagues for their support on this important matter.

The Appropriations Committee is committed to funding significant programs that address real issues that touch the heart and home of Americans. This includes some innovative programs in my home State of Maryland, such as: funding provided through this bill will allow the Chesapeake Bay Foundation, CBF, in collaboration with Living Classrooms Foundation, LCF, to continue providing students with rich, meaningful field and classroom programs focusing on the natural and cultural history of the Chesapeake Bay watershed. Funding will allow CBF and LCF to reach approximately 700 teachers, and 87,000 underserved students.

The bill funds KIPP Ujima Village Academy in Baltimore through its parent organization. KIPP Ujima opened its doors in the summer of 2002 with its first class of fifth graders, and now serves 300 fifth through eighth grades. Over 99 percent of its students are African American, and 87 percent qualify for Federal free or reduced-price meals program. KIPP Ujima is the highest performing public school serving middle grades in Baltimore City, as measured by the 2006 Maryland State Assessment. On that exam, 100 percent of seventh and eighth graders scored proficient or advanced in mathematics, achieving the highest math scores in the State of Maryland.

Carroll County Youth Service Bureau, CCYSB, provides a continuum of community-based mental health services for children, adults, and families throughout Carroll County. CCYSB uses a multidisciplinary approach to deliver prevention, intervention and treatment services in the least restrictive and most cost-effective manner. Funding provided in the bill will allow CCYSB to reach more underserved patients in need of mental health services.

The bill also provides funding for equipment and technology in a number of Maryland healthcare facilities, including St. Agnes Hospital, Mercy Medical Center, Northwest Hospital, Kennedy-Krieger, Lifebridge, and Holy Cross. The technology and equipment provided will allow these facilities to better detect, diagnose, and treat patients who suffer traumatic illnesses and injuries.

I thank Senator HARKIN, Senator SPECTER, and their staffs for all of their hard work to develop a bill that addresses many other basic rights that all Americans deserve: education, employment, and health care.

Mr. FEINGOLD. Mr. President, today the Senate will be voting on the fiscal year 2008 Labor, Health and Human Services, and Education appropriations act. I am pleased to support this bill, which provides healthier funding levels for our labor, health, and education programs for the first time in many years. At a time of rising poverty levels, rising health care and heating costs, and classrooms in desperate need of funding, this bill helps promote programs that offer solutions to these problems.

I am pleased that the Senate adopted four amendments I worked on. One was an amendment I cosponsored that Senator COLLINS offered to provide much

needed additional funding to improve access to dental health in rural and underserved areas. Our amendment successfully doubled the funding for the Dental Health Improvement Act, bringing funding from $2 million to $4 million. The Collins-Feingold Dental Health Improvement Act authorized a new State grant program that is designed to improve access to oral health services in rural and underserved areas. States can use these grants to fund or create programs tailored to State needs. For example, they can use the funds for loan forgiveness and repayment programs for dentists practicing in underserved areas. They can also use the grant funds to establish or expand community or school-based dental facilities or to set up mobile or portable dental clinics. In Wisconsin, funds were used to provide children with better access to sealants. This helps prevent further and more expensive dental work later in life.

The Collins-Feingold amendment to increase funding for this important program will help fund additional State programs so that more people in our country will have access to essential oral health care. I thank Senator COLLINS for her work on this, and also thank Chairman HARKIN and Senator SPECTER for their assistance in passing this.

Another adopted amendment will increase public access to automatic external defibrillators, or AEDs, in schools. In my home State of Wisconsin, as in many other States, heart disease is the No. 1 killer. Cardiac arrest can strike anyone. Cardiac victims are in a race against time, and unfortunately, for too many of them, emergency medical services are unable to reach people in need, and time runs out for victims of cardiac arrest.

Fortunately, AEDs are inexpensive and simple to operate. Because of advancements in AED technology, it is practical to train and equip police officers, teachers, and members of other community organizations on how to use these devices.

Over the past 6 years, I have worked with Senator SUSAN COLLINS on a number of initiatives to empower communities to improve cardiac arrest survival rates. We have pushed Congress to support first responders—local police and fire and rescue services—in their efforts to provide early defibrillation. Congress heard our call, and responded by enacting two of our bills, the Rural Access to Emergency Devices Act and the ADAM Act.

The Rural Access to Emergency Devices program allows community partnerships across the country to receive a grant enabling them to purchase defibrillators, and receive the training needed to use these devices. Approximately 95 percent of sudden cardiac arrest victims die before reaching the hospital. With every minute that passes before a cardiac arrest victim is defibrillated, the chance of survival falls by as much as 10 percent. After only 8 minutes, the victim's survival rate drops by 60 percent. This is why early intervention is essential—a combination of CPR and use of AEDs can save lives.

If we give people in rural communities a chance, they may be able to reverse a cardiac arrest before it takes another life. Unfortunately, the President zeroed out the funding for the Rural AED program after the program was cut by 83 percent in fiscal year 2006 and kept at that level in fiscal year 2007. I am very disappointed that the program was eliminated in the President's budget. Our rural communities deserve better, and I am pleased that the Senate Appropriations Committee recognized this by providing $3 million in funding for the program this year. That is double last year's funding level and, while it is still much lower than I would like, I hope the final version of this bill includes at least that much in funding.

Heart disease is not only a problem among adults. A few years ago I learned the story of Adam Lemel, a 17-year-old high school student and a star basketball and tennis player in Wisconsin. Tragically, during a timeout while playing basketball at a neighboring Milwaukee high school, Adam suffered sudden cardiac arrest, and died before the paramedics arrived.

This story is incredibly tragic. Adam had his whole life ahead of him, and could quite possibly have been saved with appropriate early intervention. This story helps to underscore some important issues. First, although cardiac arrest is most common among adults, it can occur at any age—even in apparently healthy children and adolescents. Second, early intervention is essential—a combination of CPR and the use of AEDs can save lives.

After Adam Lemel suffered his cardiac arrest, his friend David Ellis joined forces with Children's Hospital of Wisconsin to initiate Project ADAM to bring CPR training and public access defibrillation into schools, educate communities about preventing sudden cardiac deaths and save lives.

The ADAM Act was passed into law in 2003, but has yet to be funded. The ADAM Act is one way we can honor the life of children like Adam Lemel, and give tomorrow's pediatric cardiac arrest victims a chance at life.

The Feingold-Collins amendment provides modest funding for this act just $200,000. This funding, while not much in the grand scheme of the Federal budget, will help jump start this valuable program. This amendment as drafted would be funded through the Rural AED line; however, I am pleased that the managers share my goal of not taking away any of the already limited Rural AED funding and are looking for additional ways to fund the ADAM Act. I am pleased that our amendment passed the Senate by unanimous consent and I urge the conferees to maintain this small but important program.

My third amendment that passed requires GAO to conduct an assessment of current State health care reforms and comment on the potential role that Congress could take in assisting States with their efforts. I offered this amendment along with Senators GRAHAM, BINGAMAN, and VOINOVICH. There is momentum in many States to reform the broken health care system. This study would provide an overview of what is working in the States and the effect of Federal laws on State health care initiatives. In addition, the study would provide recommendations on how the Federal Government could better work with States to further efforts.

While Congress may not be able to reach consensus on how to ensure all Americans access to health services, a State-based model allows consideration of politically diverse solutions that could eventually be widely applied. Gathering data on what works at the State level will assist Congress in looking at broader reforms, which is why Senator GRAHAM and I have introduced legislation, with the backing of the Brookings Institute and the Heritage Foundation, to encourage and expand State efforts to extend health care coverage.

My fourth amendment directs GAO to examine the different techniques schools are using to prepare students to achieve on State standardized exams as well as meet State academic standards. Schools in Wisconsin and around the country are facing their sixth year under No Child Left Behind, NCLB, the centerpiece of President Bush's domestic agenda, and I continue to hear grave concerns throughout Wisconsin about the Federal testing mandates contained in NCLB and the ongoing implementation problems with the law.

Wisconsin teachers and parents are concerned about many of the unintended consequences of NCLB, including the narrowing of the curriculum to focus on the subjects that are tested under NCLB—reading and math. As a consequence of more narrowed curriculums, some students are experiencing reduced class time on other important subjects including social studies, civics, geography, science, art, music, and physical education. I have also heard numerous concerns that students are being drilled in reading and math in order to boost performance on these standardized tests, which may not be the best measure of students' higher order thinking skills. Many Wisconsinites are concerned that rote drill exercises in reading and math take the joy out of learning for students and have called for a reexamination of NCLB policies to ensure that a diverse and high-quality curriculum is taught in all of our Nation's schools.

I voted against NCLB in large part because of its Federal testing mandate and the potential ramifications of the primary focus on test scores in order to determine adequate yearly progress in our schools. I also remain deeply concerned that NCLB's testing and sanctions approach has forced some

schools, particularly those in our inner cities and rural areas, to become places where students are not taught, but are drilled with workbooks and test taking strategies, while in wealthy suburban schools, these tests do not greatly impact school curriculums rich in social studies, civics, arts, music, and other important subjects.

I do not necessarily oppose the use of standardized testing in our Nation's schools. I agree that some tests are needed to ensure that our children are keeping pace and that schools, districts, and States are held accountable for closing the persistent achievement gap that continues to exist among different groups of students, including among students in Wisconsin. But the Federal one-size-fits-all testing and punishment approach that NCLB takes is not providing an equal education for all, eradicating the achievement gap that exists in our country or ensuring that each student reaches his or her full potential.

My amendment calls on GAO to examine how the use of different preparation techniques varies based on the demographic characteristics of schools, including the concentration of poverty at schools, whether schools are located in a rural, suburban, or urban environment, and whether schools have been identified for improvement under NCLB. It is my hope that Congress will receive concrete data on how the student preparation varies among different types of schools so that we can get a better sense of how NCLB is impacting our Nation's schools. The disaggregation element of this GAO study should better help us determine whether various preparation techniques, including commercial test preparation programs and narrowing of the curriculum, are correlated with certain school demographics.

I was also pleased to cosponsor an amendment from my colleague, Senator BROWN of Ohio, to prohibit the Department of Education from continuing its problematic evaluation of the Upward Bound program until Congress has a chance to examine this policy as part of the Higher Education Act, HEA, reauthorization. I have been a strong supporter of the TRIO Upward Bound program for many years and continuously hear about the benefits it provides to Wisconsin students entering college, particularly first-generation college students.

Because of my strong support for Upward Bound, I continue to be concerned about the Department of Education's evaluation of Upward Bound, including the mandate that colleges had to recruit more students than they can serve under the Upward Bound program. I agree that Upward Bound, like other Federal programs, needs to be evaluated to ensure Federal dollars are being spent wisely and effectively. But the Federal Government has a duty to design responsible evaluations of Federal programs, and I do not think the Department fulfilled that obligation with the design of this Upward Bound evaluation. I am pleased the Senate recognized that the ongoing evaluation is troublesome and agreed to prohibit funding for it until Congress can reexamine the Upward Bound evaluation as part of the ongoing HEA reauthorization.

I am pleased that my colleagues supported all of my amendments and accepted them. I thank Chairman HARKIN and Senator SPECTER for their assistance and support with these amendments.

I would also like to comment briefly on an amendment that the Senator from Colorado, Mr. WAYNE ALLARD, brought to a vote. This amendment would have redirected funds from programs deemed ineffective by the Program Assessment Rating Tool, or PART. This program was enacted into law as part of the Government Performance Results Act and is intended to better target Government dollars to the most efficient programs. Senator ALLARD's amendment would have cut the programs considered ineffective by PART by 10 percent, and then sent these dollars to the Federal deficit.

I share Senator ALLARD's goals of efficient Government spending and reducing the deficit; however, I have some concerns about the standards for evaluating Government programs in PART. There are several programs that are making a big, positive difference in communities, that score poorly on the assessment. Some of these programs I have supported for years, such as rural health programs, and various higher education programs. I think it is important to examine this tool more closely and see if there is a way to improve the assessment before cutting these programs. For this reason, I opposed this amendment, which would have had far-reaching implications.

I was pleased to support final passage of this bill which provides essential funding for education, health care, and job training programs. Many of these programs have seen drastic cuts over the past 6 years and I am happy that we have been able to more adequately fund these programs in this bill. I am disappointed that the President continues to say that he will veto this bill and I hope that he will reconsider in the coming days. Too many Americans are depending on the employment, health care, and education services provided in this legislation and they are the ones who will be negatively impacted if the President follows through on his veto threat. Much more remains to be done to correct the inadequate funding for these programs in recent years, but this bill is a step in the right direction.

The PRESIDING OFFICER. Under the previous order, the substitute, as amended, is agreed to.

The amendment (No. 3325), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. HARKIN. Mr. President, we have had a very productive 5 days of debate on the fiscal year 2008 appropriations bill for Labor, Health and Human Services, Education, and related agencies. I would like to again thank the ranking member, Senator ARLEN SPECTER, for his leadership and partnership in helping to shape this bipartisanship bill.

I would also like to take this opportunity to thank the subcommittee staff for the long hours and hard work they put into it. On the Democratic side, I thank Ellen Murray, Lisa Bernhardt, Teri Curtin, Erik Tatemi, Adrienne Hallet, and Mark Laisch. On the Republican side, I thank Bettilou Taylor, Sudip Parikh, and Jeff Kratz. These staff members set a very high standard of professionalism, excellence, and integrity, and we are very fortunate to have people of this caliber in public service.

Mr. President, we are just minutes away from the vote on final passage of the bill. I want to emphasize that this is an overwhelmingly bipartisan bill that meets the priorities of members on both sides of the aisle. Senator ARLEN SPECTER and I produced a bill that passed in committee with the support of 14 of 15 Democrats and 12 of 14 Republicans. This bill funds the most essential, life-supporting and lifesaving services for millions of people in this country. It reflects the values and priorities of the American people.

As I have said before, it is regrettable that, even before we brought this bill to the floor last week, President Bush threatened to veto it because it included a provision to expand embryonic stem cell research, and because it includes $11 billion in funding above what he requested.

We have done our very best to accommodate the President, and to produce a bill that he can sign. To that end, we removed the stem cell provision from the bill before bringing it to the floor. This is a core priority for me, for Senator SPECTER, and for many other Senators. But we took it out of the bill in order to meet the President halfway. I remain hopeful that, in turn, he will meet us halfway, and join us in this spirit of bipartisan compromise.

I am an optimist, and I hold out hope that, if the President examines the substance of this bill, he will see that the additional funding above his budget request goes to essential programs and services that have been shortchanged in recent years.

President Kennedy said that ''to govern is to choose.'' The President has made his choices. But, under the Constitution, Congress also gets to choose. And, in this bill, we have made the right choices. Let me cite just a few examples:

The President is requesting that we cut the National Institutes of Health—research into cancer, diabetes, Alzheimer's and other diseases—by $279

million. In this bill, we increase funding for NIH by $1 billion.

The President requests that we reduce the Head Start program by $100 million, which would cut tens of thousands of children from the Head Start roles. This bill increases funding for Head Start by a modest $200 million.

Despite predictions of record energy prices this winter, Mr. Bush requests that we cut the Low Income Home Energy Assistance Program for poor people by $379 million. In this bill, we maintain LIHEAP funding at last year's level.

Mr. Bush requests that we eliminate the community services block grant, the safety net that includes job training, housing, and emergency food assistance. In this bill, we increase the community service block grant by a modest $40 million.

In each of these program areas, the bill includes modest, reasonable increases in order to keep pace with inflation or to prevent significant cuts in essential services. This remains a barebones, no-frills bill that conforms to a very conservative budget allocation.

For 5 years, Congress has appropriated countless billions of U.S. taxpayer dollars for schools, job programs, hospitals, and human services in Iraq. Democrats and Republicans on the committee agree that it's time to look after those same needs in this country. And that is exactly what we do in this bill.

As I said, we tried hard to accommodate the President's concerns. There has been so much division and partisanship in Washington in recent months. This bill offers a great opportunity for Congress and the President to show the American people that we can resolve our differences with compromise and bipartisan goodwill. We have met the President halfway—in my opinion, more than halfway. Now it is time for him to respond in kind, and to rescind his veto threat.

It is important that we send a strong, bipartisan message to the American people that, at a time when we are spending enormous sums on wars in Iraq and Afghanistan, we will not neglect or shortchange essential, lifesaving, and life-supporting programs and services here at home. I urge my colleagues to vote yes on this important bill. And I urge the President to join us in supporting this bipartisan bill.

I know Senators are eager to vote and go home. I just want to thank all of the Senators for their many kindnesses and their courtesies in bringing this bill to a close. It was 5 days, but it was 5 days of good debate and good amendments. We have a strong bipartisan bill. I hope we will pass it with a strong bipartisan vote, go to conference, and get it to the President's desk as soon as possible.

The PRESIDING OFFICER. The bill having been read the third time, the questions is, Shall the bill pass?

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote ''yea.''

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 19, as follows:

[Rollcall Vote No. 391 Leg.]

YEAS—75

Akaka	Feingold	Murkowski
Alexander	Feinstein	Murray
Baucus	Grassley	Nelson (FL)
Bayh	Hagel	Nelson (NE)
Bennett	Harkin	Pryor
Bingaman	Hatch	Reed
Bond	Hutchison	Reid
Boxer	Inouye	Roberts
Brown	Isakson	Rockefeller
Byrd	Johnson	Salazar
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shelby
Casey	Landrieu	Smith
Chambliss	Lautenberg	Snowe
Cochran	Leahy	Specter
Coleman	Levin	Stabenow
Collins	Lieberman	Stevens
Conrad	Lincoln	Sununu
Craig	Lott	Tester
Crapo	Lugar	Voinovich
Dole	McCaskill	Warner
Domenici	McConnell	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden

NAYS—19

Allard	Cornyn	Kyl
Barrasso	DeMint	Martinez
Brownback	Ensign	Sessions
Bunning	Enzi	Thune
Burr	Graham	Vitter
Coburn	Gregg	
Corker	Inhofe	

NOT VOTING—6

Biden	Dodd	McCain
Clinton	Kennedy	Obama

The bill (H.R. 3043), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate insists on its amendment and requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer appointed Mr. HARKIN, Mr. INOUYE, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. DURBIN, Mr. REED, Mr. LAUTENBERG, Mr. BYRD, Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. SHELBY, and Mr. DOMENICI conferees on the part of the Senate.

EXECUTIVE SESSION

NOMINATION OF LESLIE SOUTHWICK TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

The PRESIDING OFFICER (Mr. SALAZAR). Under the previous order, the Senate will go into executive session and the clerk will report the nomination.

The legislative clerk read the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. The Republican leader.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture petition to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 291, the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit.

Mitch McConnell, Arlen Specter, Wayne Allard, Johnny Isakson, Richard Burr, Norm Coleman, David Vitter, Kay Bailey Hutchison, George V. Voinovich, John Thune, Jim DeMint, Tom Coburn, Michael B. Enzi, Elizabeth Dole, Jeff Sessions, Jim Bunning, John Barrasso, Trent Lott, Thad Cochran.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. 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. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today, the Senate considers the controversial nomination of Leslie Southwick to the United States Circuit Court of Appeals for the Fifth Circuit. Unlike so many of President Clinton's nominees, Mr. Southwick was accorded a hearing on his nomination.

I refused to ambush Leslie Southwick the way Republicans ambushed Ronnie White in 1999. Thus, despite my opposition to this nomination, I made sure that Mr. Southwick was treated fairly and that his nomination was debated and voted upon by the Judiciary Committee. The process has been open and fair and the rights of every Senator Democratic or Republican have been respected.

During the Clinton administration, several outstanding nominees to the Fifth Circuit were pocket filibustered successfully by the Republicans. They included Judge Jorge Rangel of Texas, Enrique Moreno of Texas, and Alston Johnson of Louisiana. They were pocket filibustered without a hearing or committee consideration.

This is a seat on the Fifth Circuit that would have been filled long ago but for a series of troubling nominations. In the last Congress, President Bush nominated Michael Wallace to this seat, the first circuit court nomination since 1982 to receive a unanimous rating of ''not qualified'' from the American Bar Association.

This is the seat to which President Bush had previously used a recess appointment to put Charles Pickering on the bench, after his nomination was voted down by the Judiciary Committee in 2002. President Bush announced that appointment, as I recall, on the Martin Luther King Jr. holiday weekend in 2004, despite the significant concerns and open debate about that controversial nomination.

Those concerns included Judge Pickering's intervention with the Department of Justice in an attempt to get the sentence of a convicted cross burner reduced.

The nomination we consider today has engendered significant opposition. Those opposing this nomination include: the Leadership Conference on Civil Rights, the Human Rights Campaign, the Mississippi State Conference of the NAACP, the NAACP Legal Defense Fund, Lambda Legal, the National Employment Lawyers Association, the Magnolia Bar Association, the National Organization of Women, the National Urban League, the AFL–CIO, the Congressional Black Caucus, and many more.

A number of members of the Judiciary Committee spoke eloquently about their concerns and doubts during committee consideration on August 2.

I have given careful consideration to Mr. Southwick's record. Many share with me my concern about Judge Southwick's deciding vote in Richmond v. Mississippi Department of Human Services, 1998. This decision reinstated a white state social worker who had been fired for using a racial epithet what has come to be known colloquially as ''the n word'' in referring to an African-American coworker during a meeting with high-level company officials.

That epithet was called by one Fifth Circuit opinion ''a universally recognized opprobrium, stigmatizing African-Americans because of their race.'' Yet the hearing officer at her appeal before the State Employee Appeals Board suggested that the use of the racial slur ''was in effect calling the individual a 'teacher's pet.'''' I am not sure any African American would consider it being called a ''teacher's pet.''

Judge Southwick provided the deciding vote to uphold the hearing officer's conclusion, the opinion he joined finding that the racial slur was ''not motivated out of racial hatred or animosity directed at her co-worker or toward blacks in general, but was, rather, intended to be a shorthand description of her perception of the relationship existing between the [co-]worker and [a] DHS supervisor.''

In dissent, two judges criticized this opinion for presenting a ''sanitized version'' of the facts and for suggesting that ''absent evidence of a near race riot, the remark is too inconsequential to serve as a basis of dismissal.'' The dissent found that this racial epithet is ''inherently offensive, and [its] use establishes the intent to offend.'' The dissent was right.

In my view, the Mississippi Supreme Court did the right thing in reversing that decision and I commend them. There is no place for ''the n word'' in the workplace or in use by a supervisor to and about an employee. None. Just as there is no place for it in this body or anywhere else. I am not naive enough not to know the word is used in parts of America, but it should be condemned by all wherever it is used, and it certainly is by me.

If, as Mr. Southwick now says, his view of the Richmond case was the narrow, technical, legalistic one that he now says justifies his providing the deciding vote to the majority opinion, he could have said so back then, in a separate opinion.

He could have noted that he felt such use of ''the n word'' was inexcusable, but that he felt constrained by his limited role on appeal to apply a standard of review that compelled him to reverse Judge Graves of the Circuit Court and reaffirm the Employee Appeals Board's reinstatement of the offending supervisor with back pay. That is not what he did, however.

In the face of a cogent dissent, he provided the deciding vote to uphold the decision excusing that remark.

Likewise I am troubled by Judge Southwick's actions in S.B. v. L.W, in which he voted to uphold a decision taking an 8-year-old child away from her biological mother due to her mother's sexual orientation and the fact that she was living with a female partner.

My concern is not just that Judge Southwick joined the majority opinion but that he went out of his way to sign on to a concurring opinion that suggested that sexual orientation is an individual ''choice'' and an individual must accept that losing the right of custody over one's child is one of the ''consequences flowing from the free exercise of such choice.''

I also have concerns about his approach in some cases involving allegations of race discrimination in jury selection, such as his opinion in a 1997 case, Brock v. Mississippi upholding a criminal conviction where the prosecution struck an African-American juror, purportedly because he lived in a high crime area.

The dissenting judge criticized Judge Southwick's opinion for accepting a strike which ''on its face appears geared toward a racially identifiable group.'' In another case involving jury discrimination, Bumphis v. State, 1996, three judges criticized Judge Southwick's majority opinion for ''establishing one level of obligation for the state, and a higher one for defendants on an identical issue.''

His legal writing also points to a narrow view of the role of the Federal courts in upholding protections against race discrimination. In one article, he found ''compelling'' a statement of a Mississippi Supreme Court Justice that ''the judiciary is not the avenue to effectuate the removal of the Confederate battle flag from public property.''

I have questions whether he would be balanced in protecting the rights of employees given the overwhelming number of cases 160 out of 180 written decisions—in which he has offered a narrow interpretation of the law to favor protecting business and corporate interests at the expense of the rights of workers and consumers.

In one 1999 case, Dubard v. Biloxi, H.M.A., Judge Southwick authored a dissent expressing the virtues of a legal doctrine that would allow employers to fire employees for any reason, even though such an analysis was not relevant in the case before him.

My concerns about his bias are heightened by a law review article he wrote characterizing litigation against tobacco companies led by former Mississippi Attorney General Michael Moore as destabilizing and posing separation of powers concerns.

As I said in opposing this nomination in committee, this is not a decision I come to lightly. I take seriously the strong support of Senator COCHRAN and Senator LOTT whom I respect, and I have expressed my concerns directly to them as well as to the White House.

I also take seriously Mr. Southwick's answers to my questions and to those of others in connection with his hearing. I was glad to see that he now acknowledged the offensiveness of the racial epithet used in the Richmond case and also that human rights law has evolved since 2001 when he joined the decision in the child custody case.

Still, I share the deep disappointment of members of the African-American and civil rights communities that this administration continues to renege on a reported commitment to appoint an African American to the Mississippi Federal bench.

In more than 6 years, President Bush has failed to do so. He has appointed only 20 African-American judges to the Federal bench, compared to 52 African-American judges appointed by President Clinton in his first 6 years in office.

With an ever-growing number of outstanding African-American lawyers in Mississippi, the State with the highest percentage of African Americans in the country, it is not as if there is a dearth

of qualified candidates. Nonetheless, President Bush has now submitted 10 nominees to the Federal bench in Mississippi, seven at the district level and three to the United States Court of Appeals for the Fifth Circuit, and none of these nominees has been African American.

Our Nation's diversity is one of its greatest strengths, and I am disappointed that the President has missed yet another opportunity to reflect this great strength in our Federal courts. Many of us believe that diversity makes America what it is. It is the diversity in our States, our courts, this body, and our families that makes us stronger.

When viewed against his record on the bench, the importance of this seat on the Fifth Circuit, and the troubling lack of diversity on that court, I am not convinced that he is the right nominee for this vacancy at this time. I shall vote no on cloture and, if it is invoked, no on this nomination.

I ask unanimous consent that letters of opposition and others be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LANGROCK SPERRY & WOOL, LLP,
Middlebury, VT, June 5, 2007.

Hon. PATRICK J. LEAHY,
Senate Russell Office Building,
Washington, DC.

DEAR PAT: I understand the nomination of Leslie Southwick to the 5th Circuit Court of Appeals is coming up for a vote this Thursday. The little I know about Judge Southwick absolutely frightens me. His attitude towards lesbian parents is just totally inconsistent with Vermont philosophy and with respect for human dignity. I also understand he has been involved in some cases which would indicate insensitivity to African Americans. I would certainly hope that your Committee does not approve him.

Sincerely yours,

PETER F. LANGROCK.

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, October 23, 2007.

DEAR SENATOR: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, we write to express our opposition to the confirmation of Leslie H. Southwick, a former Mississippi Court of Appeals judge, to the United States Court of Appeals for the Fifth Circuit. His record raises too many questions about his commitment to civil and human rights for him to be entrusted with a lifetime appointment to the federal judiciary. We urge you to vote no on cloture on the Southwick nomination.

The federal courts of appeal are the courts of last resort in most federal cases. Moreover, the Fifth Circuit has the highest percentage of minority residents of all the federal circuits, making Judge Southwick's record on matters of civil rights particularly important. Unfortunately, Judge Southwick's decisions as a state court judge, along with his hearing testimony, indicate that he favors the interests of the powerful over the interests of minorities, working people, and others who depend on judges to stand up for them. This record warrants the rejection of Judge Southwick's nomination to the Fifth Circuit.

In Richmond v. Mississippi Dep't of Human Services, Judge Southwick joined a 5–4 ruling upholding the full reinstatement order of the state's Employee Appeals Board (EAB) of a white state social worker who had been fired for calling an African-American coworker ''a good ole nigger.'' The ruling he joined had declared that, taken in context, this slur was an insufficient ground to terminate the white plaintiffs employment in part because it ''was not motivated out of racial hatred or racial animosity directed toward a particular co-worker or toward blacks in general.'' Moreover, the EAB decision upheld by the Court of Appeals decision trivialized the use of the words ''good ole nigger'' by comparing them to the expression ''teacher's pet.'' The Court of Appeals did nothing to distance itself from this aspect of the EAB decision.

The reasoning offered by Judge Southwick and his colleagues in the majority is nothing short of baffling. As two dissenters in the 5–4 decision rightfully pointed out: ''The word 'nigger' is, and has always been, offensive. Search high and low, you will not find any nonoffensive definition for this term. There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend.''

Fortunately the Supreme Court of Mississippi reversed the decision, stating that the EAB should not simply be upheld, but rather that the matter should be remanded to the EAB for consideration of whether full reinstatement was truly justified under the circumstances or whether some other penalty short of discharge might be appropriate.

In another case, S.B. v. L.W., Judge Southwick joined an opinion that upheld the removal of an eight-year-old girl from the custody of her bisexual mother. In addition to joining the majority opinion, he was the lone judge to join a colleague's gratuitously antigay concurring opinion. The concurrence argued the ''choice'' to engage in homosexuality comes with consequences, up to and including the consideration of ''the homosexual lifestyle'' as a determining factor in child custody cases. The views expressed in the concurring opinion raise doubts about Judge Southwick's interest in ruling fairly in cases that involve the civil rights of gays and lesbians.

In Dubard v. Biloxi, H.M.A., Judge Southwick wrote a dissenting opinion in which he extolled the virtues of employment-at-will, a doctrine that provides that employers should be able to fire employees for virtually any reason, even though his analysis was not relevant to reaching a decision in the case. He wrote that ''I find that employment at will, for whatever flaws a specific application may cause, is not only the law of Mississippi but it provides the best balance of the competing interests in the normal employment situation. It has often been said about democracy, that it does not provide a perfect system of government, but just a better one than everything else that has ever been suggested. An equivalent view might be seen as the justification for employment at will.'' His gratuitous comments raise questions about his ability to separate his own views from his duty to follow the law in labor and employment cases.

Judge Southwick also has a poor record in cases involving race discrimination in jury selection. He has routinely rejected defense claims that prosecutors struck African-American jurors based on race. At the same time, however, he has usually upheld allegations by prosecutors that defendants tried to strike white jurors on the basis of race. One of Judge Southwick's own colleagues, in response, accused him of ''establishing one level of obligation for the State, and a higher one for defendants on an identical issue.''

His record also shows a troubling tendency, in state employment law and tort cases, to favor business and insurance interests over injured parties. He did so in 160 out of 180 such published cases in . which at least one judge dissented, giving him an 89 percent pro-business voting record.

When asked by Senator Durbin (D- IL) during live questioning at his hearing if he could think of one example of an unpopular decision he made in favor of the powerless, the poor, minorities, or the dispossessed, Judge Southwick responded that he could not. In response to a follow-up written question posed by Senator Durbin, Judge Southwick indicated that he could not find a single nonunanimous case, of the more than 7000 opinions that he wrote or joined, in which he voted in favor of a civil rights plaintiff or wrote a dissent on behalf of a plaintiff.

Given the tremendous impact that federal judges have on civil rights and liberties, and because of the lifetime nature of federal judgeships, no judge should be confirmed unless he or she demonstrates a solid commitment to protecting the rights of all Americans. Because Judge Southwick has failed to meet this burden, we urge senators to vote no on cloture on the nomination.

Thank you for your consideration. If you have any questions, please contact Nancy Zirkin, Vice President and Director of Public Policy, at 202–263–2880, or Paul Edenfield, Counsel and Policy Analyst, at 202–263–2852.

Sincerely,

WADE HENDERSON,
President & CEO.
NANCY ZIRKIN,
Vice President, Director of Public Policy.

HUMAN RIGHTS CAMPAIGN,
Washington, DC, May 23, 2007.

DEAR MEMBERS OF THE COMMITTEE ON THE JUDICIARY: I am writing on behalf of the Human Rights Campaign and our 700,000 members and supporters to oppose the nomination of Leslie Southwick to the United States Court of Appeals for the Fifth Circuit. As a Mississippi Judge, Southwick demonstrated a serious lack of understanding of gay people and families. His statements during his hearing before this Committee and his written responses to your questions do not satisfy us that his positions have evolved nor that he would fairly judge cases involving the rights of gay, lesbian, bisexual, and transgender (''GLBT'') Americans.

During his tenure on the Mississippi Court of Appeals, Judge Southwick (now in private practice) participated in a custody case involving a lesbian mother. The majority decision, which Southwick joined, took an eight-year-old child from the mother, citing in part that the mother had a ''lesbian home.'' The opinion further denigrates what it calls the ''homosexual lifestyle'' and the ''lesbian lifestyle.''

More disturbingly, Judge Southwick joined a concurrence written by Judge Payne—completely unnecessary to effectuate the result—that emphasized Mississippi's public policy against lesbian and gay parents (using only the term ''homosexuals''). Judge Southwick was the only judge in the majority to join Judge Payne's concurrence, which is rife with misconceptions and biases.

The concurrence does not even refer to gay individuals, but rather focuses on ''the practice of homosexuality.'' It then cites Mississippi's law prohibiting same-sex couples from adopting children—even though this was not an adoption case, but rather a case regarding a biological mother's right to retain custody of her child. The opinion even goes so far as to cite the state's sodomy law (subsequently invalidated by the Supreme Court's decision in *Lawrence* v. *Texas*).

Perhaps most troublingly, the concurrence states that even if the mother's sexual acts are her choice, she must accept the fact that losing her child is a possible consequence of that ''choice.'' This statement underscores Judge Southwick's disregard for commonly accepted psychiatric and social science conclusions. The American Psychological Association (APA) has made clear that sexual orientation is not a choice. The APA, along with every other credible psychological and child welfare group, has also concluded that lesbian and gay people are equally successful parents as their heterosexual counterparts. This disregard for widely accepted social science conclusions has ramifications not only for cases involving gay and lesbian people, but also in any case where respect for science comes into play—whether this involves reproductive choice, people with disabilities, environmental studies, to name a few.

No parent should face the loss of a child simply because of who they are. If he believes that losing a child is an acceptable ''consequence'' of being gay, Judge Southwick cannot be given the responsibility to protect the basic rights of gay and lesbian Americans.

When questioned before this Committee about why he joined this offensive concurrence, Southwick gave the unsatisfactory response that he did not write it. He further stated that the concurrence reflected Mississippi's public policy, but did not indicate why he joined the concurrence that his colleagues deemed unnecessary. He did not distance himself from the concurrence or the language that it contains.

In his written responses to questions about this case and about the rights of gay and lesbian Americans, Southwick did not provide adequate reassurance that his position has changed or that his understanding has evolved. Although he repeatedly indicated that *Lawrence* v. *Texas* is now controlling precedent, having overruled *Bowers* v. *Hardwick*, this is an insufficient answer. Although we are hopeful that Lawrence will bring about greater equality for GLBT Americans, Southwick's promise to adhere to that precedent does not address the question of whether he believes that gay people should have the same parenting rights as others.

The United States Court of Appeals for the Fifth Circuit has historically paved the way for civil rights advances. We believe that Judge Southwick's nomination is inconsistent with this important legacy, and would turn back the tide of progress by denying equal protections to GLBT Americans.

We therefore oppose his nomination and request that you vote against his confirmation. Only a judge who has demonstrated that he can be a fair and impartial judge for all Americans, regardless of their sexual orientation, is entitled to confirmation on this important court. For more information, please contact Senior Public Policy Advocate David Stacy at *david.stacy@hrc.org*, or Legal Director Lara Schwartz at *lara.schwartz@hrc.org*.

Sincerely,

ALLISON HERWITT,
Legislative Director.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
MISSISSIPPI STATE CONFERENCE,
Jackson, MS, May 9, 2007.

Hon. PATRICK LEAHY,
Dirksen Senate Office Building,
Washington, DC.
Hon. ARLEN SPECTER,
Dirksen Senate Office Building,
Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: The Mississippi State Conference of the NAACP is strongly opposed to the nomination of Leslie Southwick to the Fifth Circuit Court of Appeals.

As you are well aware, previous nominations to this particular seat on the Fifth Circuit have raised serious civil rights problems. In reviewing this history, we cannot help but conclude that this Administration is determined to place a person hostile to civil rights in the Mississippi seat on the Fifth Circuit. Judge Charles Pickering was nominated in 2001. The Senate refused to confirm him, largely based on his civil rights record. President Bush then nominated Michael Wallace to the same seat. The American Bar Association found Mr. Wallace to be ''unqualified,'' due to his judicial temperament regarding civil rights issues. Wallace withdrew his nomination at the end of 2006. Now, President Bush has named yet a third nominee with a troubling civil rights record.

We note that the Southwick nomination does nothing to ameliorate the egregious problem with the lack of diversity on Mississippi's federal bench. Mississippi has the highest African-American population of any state (36%). Yet there has never been an African American appointed to represent Mississippi on the Fifth Circuit. African-American representation on the federal district court in Mississippi has been limited to one judge, Judge Henry Wingate, appointed over twenty years ago. In his two terms, President Bush has made ten nominations to the federal bench in Mississippi—district and appellate. None were African American. This is extremely disturbing to many Mississippians, who believe the State should be fairly represented on the federal bench.

The civil rights record of Judge Southwick on the Mississippi Court of Appeals gives us great pause. We are deeply troubled by his rulings on race discrimination in the areas of employment and jury selection.

Judge Southwick participated in a truly stunning decision, *Richmond* v. *Mississippi Dep't of Human Services*. He joined a ruling that a Mississippi state agency could not terminate an employee for using the word ''nigger'' toward an African-American coworker. At a business conference, the white employee had called the black employee ''a good ole nigger,'' and then used the same term toward the employee the next day at the office. The state agency fired the white employee. But a hearing officer reinstated the employee, finding that calling the employee ''a good ole nigger'' was equivalent to calling her ''teacher's pet.'' Southwick upheld the reinstatement.

The opinion endorsed by Southwick makes outrageous conclusions about the use of the term ''nigger'' in the workplace. The opinion states: ''[The white employee] presented proof that her remark, though undoubtedly ill-advised and indicative of a rather remarkable insensitivity on her part, was not motivated out of racial hatred or racial animosity directed toward a particular co-worker or toward blacks in general.'' Astonishingly, the court credited the white employee's testimony that her remark was intended to be ''a shorthand description'' of the relationship between an employee and a supervisor.

Two of Southwick's colleagues strongly dissented. They stated that it ''strains credulity'' to compare calling the employee ''a good ole nigger'' with ''teacher's pet.'' The dissent wrote: ''The word 'nigger' is, and has always been offensive. . . . There are some words, which by their nature and definition are so inherently offensive, that their use establishes the intent to offend. . . . The character of these terms is so inherently offensive that it is not altered by the use of modifiers such as 'good ole.' . . . [The rulings] seem to suggest that absent evidence of a near race riot, the remark is too inconsequential to serve as a basis for dismissal. Such a view requires a level of myopia inconsistent with the facts and reason.'' Indeed, the Mississippi Supreme Court *unanimously* reserved the ruling joined by Southwick to uphold the reinstatement of the white employee.

Additionally, we are disturbed by Judge Southwick's rulings on race discrimination in jury selection. Dozens of such cases reveal a pattern by which Southwick rejects claims that the prosecution was racially motivated in striking African-American jurors while upholding claims that the defense struck white jurors on the basis of their race. In Bumphis v. State, an appellate colleague accused Southwick of ''establishing one level of obligation for the State, and a higher one for defendants on an identical issue.''

Finally, on issues affecting workers, consumers and personal injury victims, Judge Southwick rules overwhelmingly in favor of employers and corporations. We question his ability to be a fair and impartial decision-maker in these cases as well. Mississippians need to be confident that they will receive equal justice before the federal courts.

Respectfully yours,

DERRICK JOHNSON,
President.

CONGRESSIONAL BLACK CAUCUS,
Washington, DC, June 6, 2007.

Hon. PATRICK J. LEAHY,
Russell Senate Office Building,
Washington, DC.
Hon. ARLEN SPECTER,
Hart Senate Office Building,
Washington, DC.

DEAR MR. LEAHY AND MR. SPECTER: We write to be clear concerning the strong opposition of the Congressional Black Caucus to moving Leslie Southwick, formerly of the Mississippi Court of Appeals, through committee for the Fifth Circuit Court of Appeals. We are enclosing the press release that the Caucus issued just before Memorial Day recess asking that Leslie Southwick not be listed for a vote in committee. We understand that, nevertheless, Mr. Southwick may have a vote in committee on Thursday, June 7, 2007. We are astonished that the committee would seriously consider this nominee on a circuit that hears cases affecting more Blacks and Hispanics than any circuit in the country. Mr. Southwick's long record, revealing inexcusably insensitive and hostile views on race and on other issues that have directly harmed people of color, should spell the end of his consideration for the Fifth Circuit.

The enclosed release mentions the most obvious and overt racial example, involving Mr. Southwick's concurrence in Richmond v. Mississippi Department of Human Services, 1998 Miss. App. LEXIS 637 (Miss. Ct. App. 1998), allowing the use of a racial slur that was unanimously overruled, but importantly refers to many other areas of equally deep concern to us because they involved average Mississippi residents who typify the Black, Hispanic, and white residents of the Circuit.

Mr. Southwick's record provides nothing less than a case study of a judge with a closed mind and fixed far-right views. In no area of law have we been able to find decisions that did not seem to be entirely predicted by an ideological predisposition. We believe that the committee should be impressed by the frequency with which Southwick's opinions and concurrences have been overruled. Our investigation of 10 years of Southwick decisions reveals a one-sided animus against workers and consumers, in particular, with rulings almost always favoring business and insurance interests and almost never for working people and consumers.

Our Caucus is most concerned about Mr. Southwick's ability to afford equal justice under law in the Circuit where racial discrimination has always been most pronounced. The Southwick decisions show a remarkable predisposition to rule for whites alleging improper use of peremptory challenges and against Blacks who make similar allegations regarding peremptory challenges. Nothing could be more disturbing today, considering that Congress has allowed racially unfair mandatory minimums and sentencing guidelines to remain in tact, virtually destroying a generation of African American men. Rep. BENNIE THOMPSON's Mississippi constituents were profoundly and negatively injured during Southwick's tenure in virtually every area of state law. We ask that you avoid elevating Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit, where he is likely to do the same harm to residents of three states—Texas, Louisiana, as well as Mississippi.

We want to be clear that the Congressional Black Caucus could not be more troubled by the transformation of the Fifth Circuit by judges that make it difficult to believe in the fairness, balance and openness of the judiciary. Five members of the CBC represent constituents in this circuit, the largest number members in anyone circuit. The Fifth Circuit presides over the largest percentage of minority residents (44%) of any circuit and Mississippi has the highest African-American population (36%) of any state in the country. We therefore would take very seriously the reach to place yet another farright judge with offensive racial views on the Fifth Circuit so late in President Bush's last term. We ask that you reject Leslie Southwick.

Sincerely,

CAROLYN C. KILPATRICK,
Chairperson, Congressional Black Caucus.
BENNIE THOMPSON,
CBC Member—Mississippi.

Mr. LEAHY. I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I urge my colleagues to vote to cut off debate—that is, to invoke cloture—on the pending nomination of Judge Leslie H. Southwick for the U.S. Court of Appeals for the Fifth Circuit and then to vote to confirm him.

Judge Southwick comes to this nomination with an outstanding record. He received his bachelor's degree cum laude from Rice University and a J.D. from the University of Texas law school in 1975.

He was a law clerk for Judge John Onion, Jr., of the Texas Court of Criminal Appeals. He was a law clerk for Judge Charles Clark of the Fifth Circuit Court of Appeals. He practiced law from 1977 through 1989. He was a Deputy Assistant Attorney General for the U.S. Department of Justice, Civil Division, from 1989 to 1993. He has been a judge on the Mississippi Court of Appeals, which is an intermediate court, for some 12 years.

Judge Southwick has participated in about 6,000 cases and has personally authored some 985 opinions.

In a very remarkable move, when Judge Southwick was 53 years old—he had been in the Army Reserve since he was 42, when he obtained an age waiver in order to join the Army Reserve—and in the year 2003, when he was 53 years old, he volunteered to transfer to a line combat unit. He was deployed to Iraq, serving as a staff judge advocate in forward operating bases near Najaf.

Major General Harold Cross, Judge Southwick's commanding officer, said:

This was a courageous move; as it was widely known at the time that the 155th was nearly certain to mobilize for overseas duty in the near future.

Judge Southwick was voted out of the Judiciary Committee on August 2 of this year on a bipartisan basis with a favorable recommendation.

Judge Southwick's critics have pointed to only two cases—where he was in a concurrence and did not write the opinions. One case involved the issue of the punishment for someone in Civil Service who used a very derogatory racial term. When that case was reviewed, it was decided that since the individual had made only an isolated remark, and immediately apologized, that it would be excessive to fire that person but that the penalty should be something less. That case was reviewed by the Mississippi Court of Appeals on a very constricted standard as to whether the finding was arbitrary and capricious—which is a very high standard—and that applicable standard determined that firing was excessive.

The case then went to the Supreme Court of Mississippi, and it agreed with the appellate court's conclusion that the dismissal was unwarranted. In this case they said:

[w]e find that the harsh penalty of dismissal . . . from her employment is not warranted under the circumstances.

Now, I emphasize that in both of these cases, Judge Southwick did not write the opinions but only concurred in the result. While some might say it would have been preferable to take a different position, in the context of deciding some 6,000 cases and having written some 985 opinions, that is very little to pick at.

The second case was a matter where the issue of custody came up. After an extensive hearing, the trial judge awarded custody to the father, and there was a reference to the fact that the mother was a lesbian. Here again, the references in the opinion—again, not written by Judge Southwick—might have been somewhat more sensitive. In the overall context, it is hardly the basis for denying confirmation to Judge Southwick.

I met with Judge Southwick at length, had a long talk with him about his approach to the judiciary, about his legal background. He is a very mild-mannered, very temperate man, who on the credentials, in black and white, has an outstanding record and in person was very impressive.

It is worth noting that a number of former African-American clerks have spoken out in solid support of Judge Southwick.

La'Verne Edney, a distinguished African-American woman who is a partner at a prominent Jackson, MS, law firm and a member of the Magnolia Bar Association, the Mississippi Women Lawyers' Association, and a member of the Mississippi Task Force for Gender Fairness, stated this:

When I finished law school . . . I believed that my chances for landing a clerkship were slim because there was only one African-American Court of Appeals judge on the bench at the time and there were very few Caucasian judges during the history of the Mississippi Supreme Court or the Court of Appeals . . . who had ever hired African-American law clerks. . . .While Judge Southwick had many applicants to choose from, he saw that I was qualified for the position and granted me the opportunity.

As a clerk, Ms. Edney observed:

It did not matter the parties' affiliation, color or stature—what mattered was what the law said and Judge Southwick worked very hard to apply it fairly.

Patrick Beasley, a practicing attorney in Jackson, MS, who also is African American, endorsed Judge Southwick for his quality of being fair to minorities. Mr. Beasley wrote:

I speak from personal experience that Leslie Southwick is a good man who has been kind to me for no ulterior reason. I am not from an affluent family and have no political ties. While I graduated in the top third of my law school class, there were many individuals in my class with higher grade point averages and with family ''pedigrees'' to match. Yet, despite all of the typical requirements for the clerkship that I lacked, Judge Southwick gave me an opportunity. Despite [those who criticize him], Judge Southwick is a fair man and this is one of the qualities that makes him an excellent choice for the Fifth Circuit. . . .

Judge Southwick has ruled numerous times in favor of workers, the so-called little guy.

For example, in Sherwin Williams v. Brown, Judge Southwick held that a 45-year-old carpet layer was permanently and totally industrially disabled due to an onsite injury and that the carpet layer made reasonable efforts to obtain other employment.

In United Methodist Senior Services v. Ice, Judge Southwick affirmed the award of workers' compensation benefits to a woman who hurt her back while working as a certified nursing assistant, despite her first employer's claim that she exacerbated the injury during her subsequent employment.

In Kitchens v. Jerry Vowell Logging, Judge Southwick reversed the Workers' Compensation Commission's decision that a truck driver from a logging company did not suffer a permanent loss of wage earning capacity and remanded the case for further consideration.

In McCarty Farms, Inc. v. Caprice Banks, Judge Southwick concurred with an opinion affirming the Workers' Compensation Commission's award of permanent partial disability benefits for a woman who experienced a 70-percent industrial disability to her right arm and a 30-percent loss to her left.

Indeed, contrary to some suggestions, Judge Southwick has spoken out in dissent in favor of workers' rights.

In Total Transportation Inc. v. Shores, Judge Southwick joined with three other dissenters in a 6-to-4 decision, which would have upheld an award of workers' compensation benefits for a truck driver's widow, while the majority ruled in favor of the employer.

In Burleson v. Hancock County Sheriff's Department—a 6-to-3 decision—Judge Southwick wrote a dissent in which he argued that a public employee was improperly terminated without sufficient due process under the U.S. Constitution, while the majority ruled in favor of the employer.

Judge Southwick has ruled in favor of tort victims and against businesses in many cases. Illustrative are Ducksworth v. Wal-Mart Stores, Breland v. Gulfside Casino Partnership, Martin v. BP Exploration & Oil, and Wilkins v. Bloodsaw.

Mr. President, I ask unanimous consent that a description of these cases be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In Ducksworth v. Wal-Mart Stores, Judge Southwick joined his colleagues in reversing the trial court's directed verdict against a customer who had slipped on an unknown substance at a Wal-Mart.

In Breland v. Gulfside Casino Partnership, Judge Southwick joined an opinion for the court that reversed summary judgment for a casino in a slip and fall action brought by a patron who had suffered multiple injuries falling down the casino's staircase.

In Martin v. BP Exploration & Oil, Judge Southwick joined his colleagues in reversing summary judgment against a plaintiff who injured her ankle upon exiting a gas station's restroom on an allegedly poorly constructed access ramp.

In Wilkins v. Bloodsaw, Judge Southwick joined an opinion for the court that reversed a grant of summary judgment in favor of a Pizza Hut, which was sued by a mother who was injured when her disabled son fell as she tried to help him exit the restaurant.

Mr. SPECTER. Judge Southwick has voted in favor of criminal defendants on numerous occasions, often in dissent. I cite a series of cases: Jones v. State, Parker v. State, Mills v. State, and Harris v. State, and ask unanimous consent that a description of these cases be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In Jones v. State (a 5–5 decision), Judge Southwick dissented, arguing for reversing a conviction because the indictment did not provide the defendant with sufficient clarity and specificity to know with certainty what crime was being charged.

In Parker v. State (a 6–4 decision), Judge Southwick dissented (in an opinion joined by some of his Democratic brethren), arguing that a murder conviction should be reversed because the trial judge failed to give a proper jury instruction.

In Mills v. State (a 6–3 decision), Judge Southwick dissented from the majority opinion affirming a drug conviction on the grounds that the court should not have admitted a statement by the defendant's four-year-old son, and the state failed to disclose a piece of evidence against the defendant that it had in its possession.

In Harris v. State (a 5–4 decision), Judge Southwick dissented from the majority opinion affirming a DUI conviction on the grounds that the trial court erroneously allowed the state to avoid proving all the elements charged in the indictment.

Mr. SPECTER. Further, Judge Southwick has voted in favor of the so-called underdogs. The suggestion that he is biased against women and homosexuals is contradicted by a number of cases: Curtis v. Curtis, Kmart Corp. v. Lee, Hughey v. State of Mississippi. Again, I ask unanimous consent that a description of these cases be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In Curtis v. Curtis, Judge Southwick wrote for a divided court and upheld the trial court's grant of divorce in favor of the wife on the grounds of adultery. The dissent would have reversed and remanded.

In Kmart Corp. v. Lee, Judge Southwick wrote an opinion upholding the lower court's decision to award $500,000 to a woman who slipped on antifreeze in a Kmart. Judge Southwick sympathized with the woman, stating: ''Before the fall, Lee was a hard working, independent woman who was able to take care of many problems at the apartment complex she managed herself. . . . now she is unable to work a full day . . .''

In Hughey v. State of Mississippi, Judge Southwick affirmed the trial court's decision to disallow cross-examination as to the victim's sexual preference. He recognized that whether the victim was homosexual was not relevant to the defense and that such a line of inquiry would produce undue prejudice.

Mr. SPECTER. That is a very short statement of the qualifications of Judge Southwick. I believe if Judge Southwick were under consideration for any circuit court of appeals except for the Fifth Circuit—which has had a history of difficulties in obtaining confirmation and has had an overtone of concern about civil rights—if he were up for any other circuit, there would be no hesitancy.

This man ought to be judged on the basis of his own record and his own qualifications. But he has demonstrated fairness and an appreciation for the rule of law and for equality regardless of race, color, creed and regardless of standing and has been willing to stand up for plaintiffs in tort cases and defendants in criminal cases and, as stated earlier, women and those of a different choice of sexual orientation, so that on the record he is deserving of confirmation.

It is my hope he will be judged as an individual. That is the American way. By that standard, he certainly would be confirmed.

Mr. President, how much time did I consume in my speech?

The PRESIDING OFFICER. The Senator has consumed 14 minutes.

Mr. SPECTER. I thank the Chair.

I now yield 20 minutes to the distinguished Senator from California and then 10 minutes to the Senator from Mississippi, Mr. LOTT. And if Senator—

Mr. CARDIN. Mr. President, there are still some requests on our side for time. I would hope we would have a chance—

Mr. SPECTER. Mr. President, I ask Senator CARDIN, how much time would the Senator like?

Mr. CARDIN. Mr. President, I will be speaking for about 10 minutes.

Mr. SPECTER. Mr. President, 10 minutes to Senator CARDIN. And if Senator COCHRAN desires time: unlimited time, if he so desires.

Mr. COCHRAN. Five minutes.

Mr. SPECTER. Mr. President, Senator COCHRAN asks for 5 minutes.

I thank the Chair and yield the floor.

Mr. CARDIN. Mr. President, parliamentary inquiry: I was under the impression that time was divided between the proponents and opponents.

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. Mr. President, may I inquire if Senator CARDIN is speaking in opposition?

Mr. CARDIN. Mr. President, I will be speaking in opposition to the nomination.

Mr. SPECTER. Mr. President, I think Senator CARDIN needs his time from Senator LEAHY, but I am sure there would be no difficulty in having 5 minutes.

Mr. CARDIN. I understand that. I wonder if we would follow the normal practice of allowing those in opposition to be able to speak in regular order rather than having to wait for the time.

Mr. SPECTER. I ask the Senator, do you want to speak now?

Mr. CARDIN. Yes, I would prefer to have an opportunity to speak.

Mr. SPECTER. I think that would be acceptable, if it is OK with the Senator from California.

Mrs. FEINSTEIN. That is fine.

Mr. SPECTER. Mr. President, I ask consent that Senator CARDIN be recognized now and then Senator FEINSTEIN be recognized next, and if others appear, it is appropriate, as Senator CARDIN suggested, that we alternate.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I thank Senator SPECTER for the courtesy. I notice Senator LEAHY is not on the floor, and I appreciate my colleague from Pennsylvania organizing the debate on the floor.

I appreciate that.

This is a unique body, the Senate of the United States. One of our most important responsibilities is the advice and consent on Presidential appointments on the confirmation of Federal judges. The Constitution envisions that we will use independent judgment in order to make these decisions. Article III, section 2, clause 2 of the Constitution gives us the power to confirm Federal judges.

I know all of my colleagues know these are lifetime appointments, so this is our one chance in order to evaluate those who will serve as Federal judges. We are talking about the U.S. Court of Appeals. For most Federal cases, this will be the final decision on a case that is brought in the

Federal court. Very few in percentages of the cases reach the Supreme Court of the United States. So the Court of Appeals is responsible for much of our laws in this country as far as the final judicial determination.

When I sought to become a Member of this body, I went over with the people of Maryland the standards I would use in trying to decide whether to vote to confirm a judge. I talked about judicial temperament and experience, but I also talked about a standard that I think is very important, which is a judge's or potential judge's passion for the Constitution of this country in order to protect every individual. I think it is important that we take a look at that, particularly when we talk about an individual who will serve on the U.S. Court of Appeals.

I have sat in the confirmation hearings. I am a member of the Judiciary Committee. I had a chance to listen to Judge Southwick. I had a chance to listen to the questions that were posed back and forth. I must tell my colleagues I cannot support this confirmation. I will vote against it, and I would like to give the reasons why.

Senator SPECTER talked about some of the opinions that Judge Southwick participated in or some of his rulings, and I think that is what we should be looking at. For Judge Southwick, we do have an idea about his passion for the Constitution and what his priorities will be by looking at the type of cases he ruled on, the opinions he joined, and the opinions he wrote. So let me talk about the two opinions Senator SPECTER raises, because I think they are important opinions in order to get some insight as to this judge's passion for the Constitution.

The 1998 case of Richmond v. Mississippi Department of Human Services was an important case. It was very offensive to not just the minority community but the entire community. The racial term that was used should never be used, as Senator LEAHY said, in the workplace or anyplace else. The dissent of that opinion, of that decision, got it right, where it said that the racial epithet is inherently offensive and its use establishes the intent to offend. Unfortunately, that was the minority opinion in that court. On appeal it was overturned, but Judge Southwick joined the majority. The rationale in the majority opinion I think is important, because it speaks to what Judge Southwick used to reach his conclusions. In that opinion he said the absence of evidence of a near race riot, the remark is too inconsequential to serve as a basis of dismissal.

I find that very offensive. I think we do have to be held accountable to where we allow our name to be added. Fortunately, as I said, that was corrected, but it took an appellate court to do that.

In 2001, we have S.B. v. L.W. where a 12-year-old child is taken away from her mother. It was done because she was a lesbian. The language in the opinion is very offensive. It talks about a homosexual lifestyle, words that I think we all know bring out bigotry in our society. But Judge Southwick went further in that case. He joined a concurring opinion that said your sexual orientation is a matter of choice and any adult may choose any activity in which to engage. That person is not thereby relieved of the consequences of his or her choice.

No wonder Judge Southwick is being challenged by many respected national groups. Upon questioning within our committee on confirmation, I didn't get a sense that there was a retraction by Judge Southwick of these decisions. He stuck by the decisions.

At the confirmation hearing, Senator DURBIN asked him a pretty simple question. He asked him a question about whether during his life or career, he ever took an unpopular point of view on behalf of those who were powerless or vulnerable and needed someone to stand up for their rights when it was not a popular position. That, to me, is a softball question: When did you stand up for someone else's rights? Judge Southwick couldn't think of a single example throughout his entire career.

So there is no wonder that there is concern about whether this potential judge on the court of appeals will protect all of our rights as the cases come before him and why there is so much concern about his confirmation.

But I want to go on to another issue that Senator LEAHY raised, and that is the issue of diversity. Diversity is very important. We expect all of our citizens will live according to the rule of law and will have confidence that the laws we make and the Court's rulings on those laws will be fair to all communities, so they have a right to expect that there will be equal access to participation in all branches of Government. Looking at the record in the Fifth Circuit, there is reason for concern. The Fifth Circuit is Mississippi, Louisiana, and Texas—the highest percentage of minority population in the country of any circuit outside of the District of Columbia—44 percent minority. Of the 10 nominees President Bush has submitted to the Federal bench from Mississippi and the Fifth Circuit—10—none have been African American. Mississippi has the largest percentage of African Americans of any State in the Nation: 36 percent. Of the 19 Federal judges on the Fifth Circuit, only one is African American. These are important issues to the people of that circuit and to the people of this country.

So there are many organizations that are opposing Judge Southwick's nomination. I ask unanimous consent that the letters of opposition and concern from the J. Franklin Bourne Bar Association and the National Organization for Women, the Legal Momentum, and the Jewish Alliance for Law and Social Action be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

J. FRANKLYN BOURNE
BAR ASSOCIATION, INC.,
Upper Marlboro, MD, June 7, 2007.

Re: Nomination of Leslie Southwick.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: The J. Franklyn Bourne Bar Association, Inc. opposes the nomination of Leslie Southwick to the United States Court of Appeals for the Fifth Circuit.

Established in 1977, the Bourne Bar was formed to advance the status of African-American attorneys who work and/or live in Montgomery and Prince George's Counties, Maryland. The organization is named in honor of the Honorable J. Franklyn Bourne, the first African-American District Court judge in Prince George's County. The Bar Association's mission includes assisting in the development of African-American communities through the vehicle of law, educating the general public about legal issues of concern to all, and insuring the continuation of African-Americans in the legal profession. It is in the spirit of our mission that we register our opposition to the Leslie Southwick's nomination.

A representative democracy is a must in a free society, and as such the residents of the state of Mississippi, Texas and Louisiana are deserving of a federal judiciary that reflects the composition of their respective citizenry. More importantly, as federal judgeships are lifetime positions, each candidate for such an appointment must he closely scrutinized. Judge Southwick's pattern of approving preemptory challenges that exclude Blacks from juries while approving challenges when whites allege discrimination from such challenges is particularly troubling; so to is the decision Judge Southwick joined in the case Richmond v. Mississippi Department of Human Services which would have reinstated a white woman who used the phrase ''good ole nigger'' about an African American coworker.

The Senate Judiciary is constitutionally tasked with the responsibility of approving nominations by the President following fair deliberations. In that regard, the Bourne Bar Association is confident that its opposition outlined above will be duly noted.

Thank you for your attention.

Sincerely,

ABIGALE BRUCE-WATSON,
President.

NATIONAL ORGANIZATION FOR WOMEN,
Washington, DC, June 6, 2007.

Senator PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: The National Organization for Women strongly opposes the nomination of Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit. We urge you to oppose this nomination both in the Judiciary Committee and on the floor of the Senate.

Judge Southwick has a disturbing record and an appalling lack of sensitivity on women's rights, racial justice, and discrimination based on sexual orientation. He demonstrates the usual Bush nominee bias toward big business and against consumers and individuals.

In the 2006 election, the voters clearly rejected right wing extremism. The National Organization for Women expects that those Senators who were elected by the votes of women will take their ''advise and consent'' role seriously and not put our rights in jeopardy by confirming such an individual to one of the highest courts in the land.

As we have learned from many past judicial battles, a ''yes'' vote in committee which allows a nomination to reach the floor of the Senate is tantamount to a vote for confirmation regardless of a subsequent ''no'' vote on the floor. We urge you to stand firm and to vote to stop this nomination in its tracks—in the Judiciary committee.

Sincerely,

KIM GANDY,
NOW President.

JEWISH ALLIANCE FOR LAW AND SOCIAL ACTION
Boston, MA, June 8, 2007.

Re Maintaining an Independent Judiciary

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: As an organization devoted to upholding constitutional protections against racial and religious discrimination, we write to urge that you and your colleagues on the Judiciary Committee and in the Senate oppose the appointment to the Fifth Circuit Court of Appeals of Leslie Southwick.

Judge Southwick has demonstrated his disdain for equal rights and equal protection under the law. While on the Mississippi State Court of Appeals, he joined a decision that upheld the reinstatement, without any punishment whatsoever, of a white state employee who was fired for calling an African American co-worker a ''good ole nigger'', finding that this was not an offensive term. In another case, Mr. Southwick went out of his way to go beyond the majority decision against a lesbian mother, in a concurrence that was not only gratuitous but gratuitously anti-gay.

While the current President has tried to fill this seat on the Fifth Circuit with other appointees equally out of the mainstream, this is the first nomination since the Democratic Party has regained its Congressional majority. Now is the time to deliver a strong message that Democrats will protect the American people, the Constitution and the judiciary from the prospect of even more extremist right wing judges who will continue to undermine the judiciary's crucial role in preserving our bedrock constitutional protections.

We at JALSA urge you not only to reject this nomination but to do so in a way that makes clear that the Senate will protect the independence of the judiciary, and will no longer allow this administration to pack the courts in order to legislate an extremist agenda of bigotry and hatred.

Yours truly,

ANDREW FISCHER,
Chair, Judicial Nominations Committee.

LEGAL MOMENTUM,
Washington, DC, June 7, 2007.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee,
Washington, DC.

Hon. ARLEN SPECTOR,
Ranking Member, Senate Judiciary Committee,
Washington, DC.

CHAIRMAN LEAHY AND RANKING MEMBER SPECTER: On behalf of Legal Momentum, the nation's oldest advocacy organization that works to define and defend the rights of women and girls, I urge you to oppose the nomination of Judge Leslie Southwick to the US Court of Appeals for the 5th Circuit. While much of Judge Southwick's record remains unknown due to lack of publishing and incomplete Committee records, what has been revealed is disheartening for those who look to the federal courts to uphold and enforce laws barring discrimination on the basis of race, sex, national origin and religion.

Historically, the 5th Circuit Court of Appeals has served as a bulwark for the protection of civil rights. However, Judge Southwick displays a continued absence of dedication to upholding certain essential civil rights protections. In the case of *Richmond v. Mississippi Department of Human Services,* 1998 Miss. App. LEXIS 637 (Miss. Ct. App. 1998), reversed, 745 So. 2d 254 (Miss. 1999), Judge Southwick joined a 5–4 ruling upholding the reinstatement of a white state social worker, Bonnie Richmond, who had been fired for referring to an African American co-worker as ''a good ole n*****'' at an employment-related conference. The Mississippi Supreme Court unanimously reversed this ruling. Similarly, Judge Southwick's rulings on race discrimination in jury selection give us pause. A review of his decisions reveals a disturbing pattern in which Judge Southwick routinely rejects defense claims regarding racially motivated prosecutors who strike African-American jurors but upholds claims of prosecutors that defense attorneys are striking white jurors on the basis of their race. The 5th Circuit, which includes Louisiana, Mississippi and Texas, has the highest concentration of racial and ethnic minorities in the country. There is no room at any level of the judiciary for Southwick's troubling and seemingly biased approach to the enforcement of civil rights laws.

In another case, *S.B. v. L W*, 793 So.2d 656 (Miss. App. Ct. 2001), Judge Southwick wrote a separate concurring opinion positing that a ''homosexual lifestyle'' could be used to deprive a parent of the custody of her own child. His concurrence, a unwarranted and hurtful piece of work, took great pains to elaborate upon the punitive ''consequences'' that could be imposed on individuals in homosexual relationships, including the loss of custody of a child. Grounding his beliefs in the principles of ''federalism'', he promoted limiting the rights of gay and lesbian parents in the area of family law and characterized the participation in a homosexual relationship as a ''choice'' and an ''exertion of a perceived right.''

Discussing an issue not raised by either party in the case and citing incomplete legal analysis, the concurrence also identified a policy position of the Mississippi legislature that would limit the custody rights of homosexual parents. His opinion cited the Supreme Court's decision in Bowers v. Hardwick, which upheld criminal penalties for sodomy, but ignored the more recent decision in Romer v. Evans, in which the attempt to deny anti-discrimination protections to gays and lesbians via ballot initiative was found not to further a proper legislative end, but deemed a means to make them unequal and consequently struck down. His contorted and selective analysis showcases a distinct lack of the judicial impartiality necessary in appeals court judges.

Lastly, we cannot accept the possibility that there are no qualified African-Americans to serve on this Circuit's Court of Appeals. President Bush's glaring lack of racially diverse nominations remains unfathomable, and unacceptable to our organization, specifically in a region that displays such a long history of racial apartheid and disenfranchisement and continues to need integration at every level, particularly in the federal judiciary.

Given the arguments listed above, it is clear that the Senate Judiciary Committee must defeat Judge Southwick's nomination. He does not possess the requisite abilities to merit a life-tenured position in the federal judiciary. In rejecting Southwick's nomination, please urge President Bush to nominate a well-qualified individual with the appropriate judicial temperament to dispense justice as intended by our Constitution and a demonstrated respect for fundamental constitutional rights.

Sincerely,

LISALYN R. JACOBS,
Vice-President for Government Relations.

Mr. CARDIN. Mr. President, I am going to quote very briefly from the letter from the Bourne Bar Association where it says:

> A representative democracy is a must in a free society, and as such the residents of the State of Mississippi, Texas, and Louisiana are deserving of a Federal judiciary that reflects the composition of their respective citizenry.

Ten nominees from this area; none African American.

The National Organization for Women states:

> Judge Southwick has a disturbing record and an appalling lack of sensitivity on women's rights, racial justice, and discrimination based on sexual orientation.

The Jewish Alliance for Law and Social Action:

> Judge Southwick has demonstrated his disdain for equal rights and equal protection under the law.

So I am not convinced Judge Southwick is the best that we can find for the court of appeals. I am not going to give the President a blank check, and I will vote against the confirmation of Judge Southwick.

Once again, I thank my friend from Pennsylvania for his courtesy.

Mrs. BOXER. Mr. President, I plan to vote against cloture on the nomination of Judge Southwick, and, if cloture is invoked, against the nomination itself.

The Fifth Circuit serves one of the most racially diverse regions in the country. It is especially important, therefore, that a nominee to this court possess an unshakable commitment to equal justice and a willingness to protect the rights of all. Unfortunately, President Bush has chosen a nominee who does not pass this simple test.

During his tenure with the Mississippi State court, Judge Southwick joined a ruling that reinstated a State employee who used a very charged racial slur about another worker. That decision was unanimously reversed by the Mississippi Supreme Court. In another case, Judge Southwick joined in an opinion that took into consideration the sexual orientation of a mother rather than her love for her child when deciding to deny her custody. On other occasions, he voted against the concept of ''a jury of our peers.''

I am deeply disappointed that President Bush has once again attempted to fill the Fifth Circuit vacancy with a nominee holding views far to the right of most Americans, and I do not support the nomination of Judge Southwick to the Fifth Circuit.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I too rise to discuss the nomination of Judge Leslie Southwick and to explain why I will vote in favor of cloture and in favor of confirming him to the Fifth Circuit Court of Appeals.

There has seldom been an appellate nominee to whom I have given more thought than I have given to Judge Southwick. I am very much aware of the concerns many on my side of the aisle, in the House of Representatives, and in the community feel.

I have reviewed Judge Southwick's record and the transcript of his confirmation hearing. I have read the many letters, both pro and con, and I have spent about an hour or more talking with him in person.

What emerged for me was an understanding that Judge Southwick is a qualified, sensitive, and circumspect person. I think the personal qualities of an individual often get lost in our debates about judicial nominees. These nominees are not just a collection of prior writings or prior judicial opinions. They are, first and foremost, people; and the kind of person they are is, in fact, important. In my conversations with Judge Southwick, I have gotten a sense of the type of person that I believe him to be. He is not either insensitive or a racist but one who is thoughtful and analytical and a strong believer in the law. As an appellate court judge, he evaluates the specific legal issues of the case before him, not necessarily the veracity of the parties involved as would a trial judge.

I know some of my colleagues are opposed to this nomination. Concerns have been raised about his judicial record, particularly with regard to civil rights and the rights of gays and lesbians. I assure my colleagues that I have taken these concerns seriously. I gave them careful consideration and made my best judgment, which is all any of us can do.

While I respect the views of my colleagues who oppose this nomination, I also respectfully disagree. I think Judge Southwick made mistakes by concurring in the two opinions in question, but I don't think those rulings define his views. I don't believe they outweigh the other factors that suggest Judge Southwick should be confirmed.

As I see it, there are three factors that weigh in favor of confirmation. They are:

First, the qualifications and character of the judge himself;

Second, the need to fill this longtime vacancy in the Fifth Circuit which the judicial branch has designated as a judicial emergency;

And third, my very strong belief that when a future Democratic President sends up a judicial nominee who becomes controversial, the test should be whether the nominee is within the judicial mainstream and is qualified by education, experience, and temperament to be a sound judge or Justice in the Federal court system of our great country.

When I weighed those factors against the concerns I have heard, I decided to vote in favor of Judge Southwick in committee. They also will form the basis for my vote on Judge Southwick tomorrow.

The first factor I wish to address is his qualifications and character. I don't think anyone disagrees that Judge Southwick is an experienced appellate court judge. He sat on the State court of appeals in Mississippi for 11 years, from January 1995 to December of 2006. He has heard roughly 7,000 appeals.

How many judges have we confirmed without nearly that kind of experience? This is a large number of cases.

There is no organization better positioned to evaluate the performance of judges in Mississippi than the Mississippi State bar, and they awarded Judge Southwick their Judicial Excellence Award in 2004, after he had been on the State court bench for 10 years. That award describes him as: ''A leader in advancing the quality and integrity of justice,'' and as ''a person of high ideals, character, and integrity.''

Isn't that the kind of judge we want to see on the bench?

I think those views from the bar association from his home State are important. I also think it is significant that the American Bar Association, which evaluates every judicial nominee that comes to the Senate for confirmation, unanimously rated Judge Southwick ''well qualified''—their highest rating. In fact, the evaluation by the ABA for him to serve on the Fifth Circuit is stronger than it was when he was nominated to a district court last year.

For that nomination, the ABA was not unanimous in finding him ''well qualified.'' But they were for the appellate court.

The Judiciary Committee approved that nomination, but the 109th Congress ended without further action on it. Now, Judge Southwick stands before us with a unanimous recommendation for the Fifth Circuit from the ABA.

I am also impressed, as Senator SPECTER spelled out, by his record of military service to our country. I find it singular among the judges in the 15 years I have served on the Judiciary Committee.

This judge joined the U.S. Army Reserves in 1992 at the age of 42. To do that, he had to get an age waiver.

How many would do that?

He had already achieved professional success as a lawyer. At the time, he was serving as the Deputy Assistant Attorney General in the Civil Division of the Department of Justice. Still, he felt a sense of duty to his country, and he did not let his age or his promising civilian legal career stop him.

He volunteered in 2004 for a unit that was going to be deployed to Iraq. That unit, the 155th Brigade Combat Team, was, in fact, deployed, and he was with it.

Judge Southwick was 53 years old at the time. He had a wife and family and a prestigious job as a judge on the State court of appeals. Yet, from January to December 2005, he served in Iraq—first as a Deputy Staff Judge Advocate at Forward Operating Base Duke, and then as Staff Judge Advocate for the 155th Brigade at Forward Operating Base Kalsu.

How many judges have done that? Shouldn't that count for something?

Well, it counts to me, Mr. President. To me, it is a clear indication of the character of the man, and I deeply respect him for this military service.

The second factor that is important, in my judgment, is the need to fill this vacancy on the Fifth Circuit. It has been vacant for 7 out of the last 8 years. Judge Southwick is the third nominee for the position—not the first or the second, but the third.

The vacancy opened in August 1999—7 years ago—and went unfilled for more than 4 years. Then, in 2004, the President used a recess appointment to place Charles Pickering on the bench. The Senate did not confirm Judge Pickering to the seat, and since the end of 2004, it has been vacant again. Michael Wallace was nominated for it, but that nomination wasn't approved by the Judiciary Committee.

So at this time the Administrative Office of the U.S. Courts has declared this seat to be a ''judicial emergency.''

Now, I am not suggesting that we should confirm whomever the President nominates just because a seat has been vacant for a long time, or because the seat has been designated a judicial emergency. But I hope this urgent need to fill a longtime vacancy will help tip the balance in the nominee's favor. By any measure, 7 years is too long for a vacancy to remain open.

The third factor that weighs in favor of confirmation for me is my strong belief that we have seen too much delay and controversy over qualified nominees for too many years.

There are plenty of examples of long delays in the confirmation process when President Clinton was in office and the Senate was under the Republican control. For example, when Ronnie White had the support of Senator BOND and was voted favorably out of the Judiciary Committee twice, it took more than 2½ years for the nomination to come to the floor, and then the nomination was rejected.

William Fletcher was a well-qualified Ninth Circuit nominee in the 1990s. Unlike Judge White, at least Judge Fletcher was confirmed by the Republican Senate—thanks in large measure to Senator HATCH—but not until he had waited for 3½ years.

During that period of time, I had calls from prospective judges, saying: I don't know what to do. Do I stay the course, or withdraw? What do I do about my family? These are real problems and we ought to respond to them.

I also share the views of my colleague, Senator LOTT, that we must improve the confirmation process. He recently wrote an op-ed column in which he explained his vote to confirm Justice Ruth Bader Ginsburg to the Supreme Court. Since the Senator is sitting here, let me quote him:

I probably wouldn't agree with Justice Ginsburg on any philosophical issue, but she

was qualified to serve by education, experience, and temperament. Elections have consequences, and she had President Clinton's confidence.

That is the way it was. I have used the same analysis to arrive at my position on Judge Southwick. I probably would not agree with him on certain philosophical issues, but I think he is qualified to serve by education, by experience, and by temperament.

Critics of this nomination have pointed to two opinions: one that reinstated an employee who had been fired for using an egregious racial slur, and another that denied a woman custody of her child for reasons that included—but were not limited to—her involvement in a same-sex relationship.

These are 2 opinions out of 7,000 cases that he heard or that he sat on. They are opinions he joined, not ones he wrote. One was a majority opinion joined by four other judges on his court, and one was a concurring opinion in a case where he also joined the majority opinion.

Ultimately, the case involving the racial slur was reversed by the State supreme court and remanded for consideration of a different penalty. The ruling of Judge Southwick's court in the child custody case apparently was not appealed to the State's high court.

Critics of Judge Southwick have also pointed to certain rulings that, in their view, suggest that Judge Southwick will be hostile to workers, minorities, and those who lack power and privilege in our society. These are serious concerns. But I don't think these cases accurately reflect Judge Southwick's views. This is only my best judgment, based on my own discussions with him.

The racial slur case, Richmond v. Mississippi Department of Human Services, involved, as has been stated, a State employee who had used a racial slur in reference to an African-American coworker. The State agency fired the employee, and she appealed to an administrative board, which ordered her reinstated.

Judge Southwick joined a majority opinion that upheld the board's decision to reinstate the employee. The opinion stated that there was sufficient evidence in the record to support the decision of the board.

I believe he should not have joined the court's opinion, but I don't think his decision to concur in that opinion should disqualify him from being a Federal judge.

After our meeting in person, I asked the judge to put his thoughts in writing, and he did. I found the letter convincing.

Mr. President, I will quote some of this letter:

> The court said that the use of the word ''cannot be justified'' by any argument. It could have gone far beyond that legalistic statement. Captured in this one terrible word is a long, dark, sad chapter in our history. This racial slur is unique in its impact and painful to hear for many, including myself. I said at my hearing that this is the worst of all racial slurs. Its use is despicable. All people of good will should make their rejection of the word clear. The opinion had an opportunity to express more fully and accurately the complete disgust that should greet the use of this word. Such a statement would certainly be consistent with my own beliefs that this is the worst kind of insult. As I testified, everyone took this issue extraordinarily seriously. I regret that the failure to express in more depth our repugnance of the use of this phrase has now led to an impression that we did not approach this case with sufficient gravity and understanding of the impact of this word.

The letter goes on to say:

> I always tried to treat everyone who came before me as a judge with respect. I gave a memorandum to each of my law clerks that they were to use no disparaging words towards anyone in a draft opinion, no matter what the appeal was about. From the bench and in my opinions, I followed that same rule. I believe that everyone whom I encounter, whether as a judge or in some purely private capacity, is deserving of my respect.
>
> I took a broad view in looking for staff. I was one of the original ten judges on the Court of Appeals, taking office in January 1995. In my second year on the court, I became the first white judge to hire an African-American law clerk on that court. I could not have been more pleased with her work, and she went on to be a partner in a major Mississippi law firm. I was equally pleased with the two additional African-American clerks I hired before I left the court.

Judge Southwick concludes by saying:

> Until the last two months, my fairness and temperament had not been subject to criticisms. The recent concern may have arisen from the fact that only one piece of evidence was being used, namely, the racial slur opinion. A much better explanation of my own abhorrence of this slur clearly could have been written. I have tried in this explanation to express my disgust for the use of that word and to present some of the evidence from my own life to prove my commitment to furthering the civil rights of all.

In the second case, the child custody case, which is called S.B. v. L.W., Judge Southwick's court affirmed a decision to deny custody of a child to a mother who was in a same-sex relationship. The lower court had based its opinion on several different factors, such as employment, financial stability, and stability of the environment, and not just the sexual orientation of the mother.

In fact, a major concern in the case was that the mother was planning to move to a new city, and the mother had admitted that the move was not in the daughter's best interest. She said she did not know where her daughter would attend school, and also that she would be devoting a lot of time to starting a new business after the move.

Judge Southwick joined the majority opinion, upholding a lower court's decision that the best interests of the child would be better served by being in the father's custody. He also joined a concurring opinion written by another judge.

When asked about the case at his hearing, Judge Southwick said that he had joined the concurring opinion because it followed State law at the time, which was governed by Supreme Court precedent that has since been overruled. Judge Southwick conceded at the hearing that under current law the analysis of the case, and perhaps the result, would be different.

Again, the question is whether his decision to join the opinion is grounds for disqualifying him from a Federal judgeship. To me, simply stated, it is not.

So I am voting in favor of Judge Southwick because I think, based on the letter he wrote to me, on my discussions with him, and on his record, he is not outside of the judicial mainstream.

That is the primary criterion I use when evaluating an appellate nominee, and I expect future nominees of Democratic Presidents to be treated in the same way.

I believe the concerns that have been raised about Judge Southwick are outweighed by his record of service to our country, his long experience as an appellate court judge, and the temperament I have come to know in my discussions with him.

Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII with respect to the Southwick nomination be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I obviously rise in support of the cloture motion and in support of the nomination of Judge Leslie Southwick to be confirmed to the Fifth Circuit Court of Appeals.

I begin by thanking Senator REID for allowing this nomination to be called up and even considered. He doesn't have to do that as our leader, but he should be commended by those of us who support Judge Southwick for his willingness to allow the nomination to be debated and considered.

Mr. President, I wish to express my appreciation to the very studied and careful job that Senator FEINSTEIN has done with regard to this nominee. I know it has not been easy, but I also know that she has taken time, she has been patient, she has done her homework. I am sure she has endured criticism. She has shown tonight that she is truly one of the outstanding lions or lionesses, I guess, is the correct word, of the Senate. She has shown courage.

She and I have worked together. Sometimes we have lost when we have worked together, and sometimes we have succeeded. But we have tried to do the right thing for the Senate and for our country. I have nothing but the utmost admiration and appreciation for the position she has taken. I actually am hesitant to proceed after her comments because they were so careful and so well thought out and presented.

I do think that I would like to put a few remarks into the RECORD tonight,

and I will add additional items tomorrow. I thank Senator FEINSTEIN so much. What she did tonight with regard to this nominee and how she is going to vote tomorrow is the kind of thing, I believe, that will affect in a positive way the nominations of other men and women in the future in the Senate. We have worked together on nominees from California in the past, and I stood against a filibuster then, and I am proud I did. I have voted for nominees, such as Justice Ginsburg, because I thought it was right.

I also have been a party to and have observed conduct in the Senate by my colleagues on this side of the aisle that I am sorry about, I regret. But how do we ever stop the slide downhill by the Republicans and then by the Democrats and then again by the Republicans? When can we rise above that type of personal and partisan attack and consider these nominations and legislation in a more respectful and responsible way?

I believe Senator FEINSTEIN has taken that first step that can lead to other steps, and we will stop this slide I have observed occurring more and more each year for 10 years. Now maybe this is the moment, maybe this will be the catalyst that will lead to other steps on this side of the aisle and on the other side of the aisle so that we will treat these nominations and legislation in a proper way.

I thank the Senator for staying and allowing me to commend her. I hope it doesn't get her into too much trouble, but I admire the Senator very much.

I do want to recognize the remarks made by Senator SPECTER of Pennsylvania and the thorough job he did in referring to particular cases. I don't want to repeat the cases that have been mentioned here tonight, or go over his whole resume again, but I wish to take a moment to maybe highlight some of the parts of that resume of this very distinguished nominee.

I also want to note the presence of the senior Senator from Mississippi, my colleague Senator COCHRAN. He and I have been in the Congress for 35 years. We were in the House together. He came to the Senate, and 10 years later I came to the Senate. One of the things I did when I came to the Senate, I sat down and talked to Senator COCHRAN about how to consider nominees for the Federal judiciary, because he was on the Judiciary Committee. He had some very good, helpful, and simple advice. Basically, he said if they are from your State, certainly if they are personally repugnant, you can vote against them. But basically, he said, if they are qualified by education and by experience and by temperament, you should be supportive. Kind of simple, but it was a thoughtful suggestion to me that came from this experienced member of the Judiciary Committee, and I have tried to do that, and I will continue to do so.

I do believe very strongly that this nominee is obviously well qualified. One of the things that was noted about his outstanding academic record was that he graduated cum laude from Rice University, a well-known and well-respected academic institution. He didn't just graduate with honors, he graduated cum laude, right at the top. He later graduated from the University of Texas School Of Law, where he also had an outstanding record academically.

When he came to the State of Mississippi, he continued that record of success. He worked with one of the most revered members of the Fifth Circuit, Chief Judge Charles Clark, one of the most outstanding jurists I have ever observed in my career of watching our Federal judiciary.

When he went to work for a law firm, he didn't go with just any law firm, he went with one of the State's very best—Brunini, Grantham, Grower, and Hewes, where he became a partner. At every step along his career, he didn't do just well, he excelled in how he handled himself in the positions he had, and he continued that when he went on the court of appeals.

A lot has been made about the fact that he has served in the Mississippi National Guard. He reached the rank of lieutenant colonel. He didn't just serve as a reservist to meetings of the National Guard, he was actively involved with the 155th Separate Armored Brigade. And, of course, he went with the 155th Brigade Combat Team and was mobilized in Operation Iraqi Freedom. So even there he took risks. He was involved in a way at his age that wouldn't ordinarily have been expected. This further shows that he is a unique individual in terms of his education and his experience.

But more than anything else, with rare exception, I have never seen a more qualified nominee to be an appellate court judge; not just a Federal judge, but an appellate court judge. His experience has been in the Mississippi appellate court system, where he presided or participated over 7,000 cases. That point has already been made, but that is an extraordinarily large number of cases for him to be involved with over these several years that he was a member of the appellate court in Mississippi.

In terms of the kind of man he is, let me read one part of one letter from one of the most revered and respected former Governors of our State of Mississippi, a Governor who has a very progressive record of leadership and of civil rights issues, and who has continued until this very day to work for racial reconciliation and heads an organization at the University of Mississippi dedicated to that purpose. This is a Democrat. This is what most people would acknowledge in Mississippi would be one of your more moderate to liberal Democrats. Knowing him, he probably doesn't like those labels, but he has a record of involvement in those areas where this nominee has been challenged or criticized. This is what William Winter, our former Governor, said:

> I further know him to be a very intelligent, conscientious, ethical and hard-working member of the legal profession. I have a great deal of personal respect for him and based upon my association with him I believe he will reflect fairness and objectivity in his approach to all matters which may come before him as a judge.

I don't know what higher recommendation you could have from our State, from a member of the opposite party, and a former Governor of our State. So he knows the background of this nominee.

Mr. President, I ask unanimous consent to have printed in the RECORD the entirety of the letter of William F. Winter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WATKINS LUDLAM WINTER
& STENNIS, P.A.,
Jackson, Mississippi, June 13, 2007.

HON. ARLEN SPECTER,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I join a number of my colleagues in the Mississippi Bar in expressing support for the nomination of the Honorable Leslie Southwick for a seat on the U.S. Court of Appeals for the Fifth Court.

I personally know Judge Southwick as a highly regarded attorney and jurist in Jackson, Mississippi. I further know him to be a very intelligent, conscientious, ethical and hard-working member of the legal profession.

While it is generally known in this community that he and I do not share the same views on some public issues. I have a great deal of personal respect for him and based on my association with him I believe that he will reflect fairness and objectivity in his approach to all matters which may come before him as a Judge.

I, therefore, commend him to you as one whose personal character and professional record make him worthy of your favorable consideration for this important position.

Respectfully yours,
WILLIAM F. WINTER.

Mr. LOTT. Judge Southwick was awarded the Judicial Excellence Award by the Mississippi State Bar Association, and he was rated not just well qualified but unanimously well qualified by the American Bar Association. This is supposed to be the gold standard. The previous nominee for this position was not given that. He was given a ''not qualified'' rating by the bar association. So they don't just rubberstamp nominees, they look very closely at them.

If there is a question about his temperament, if there is a question about his record on civil rights issues, or anything else, they would have found it and they would have included it in their recommendations. And, by the way, this is the same nominee who, 1 year ago, was unanimously referred by the Judiciary Committee to be a Federal district judge. Now, 1 year later, there are those who question the same record they had a chance to review last year.

Of the opinions he actually authored, there is no criticism of the more than

1,000 decisions where he actually wrote the opinion. I assure you, they were scrubbed and reviewed very carefully. There are two decisions in 7,000 where he concurred but did not write the decision, where questions have been raised.

I know we all make mistakes, and we choose to associate sometimes with situations or people we regret later. I know he would do some of his decisions differently now if he had them to do over again. But this is a long distinguished record, with only a couple of phrases in two decisions that, obviously, are troublesome.

Now, beyond those qualifications, he also has the temperament. He is mild mannered, he is very judicious, he is moderate in his approach to being a judge and in his life; not to say that he won't be conservative in a lot of his rulings. I think he will. But I am talking about demeanor and temperament. Clearly, he has what Senator COCHRAN and I thought the Senate indicated they desired.

This is the third nominee for this vacancy. The other two didn't make it. We heard what the Senate had to say regarding these past nominees and we came up with a judge we thought met the criteria that was expressed by a lot of our colleagues here in the Senate. But I also want to emphasize this. I have stood on this floor and argued to my own colleagues that we should not set the precedent of filibustering qualified judicial nominees——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LOTT. Mr. President, I ask unanimous consent for 2 additional minutes, if my colleague, Senator COCHRAN, would yield me those 2 to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I have argued we should not filibuster Federal judges. One time when I sat in that seat as majority leader, my colleagues actually voted to filibuster a judge and opposed cloture. Senator HATCH and I took to the floor and said we are not going to do this. This is wrong. If you want to vote against him, vote against him, but we are not going to filibuster these judges. Those judges were Judges Paez and Berzon in 2000. We had a second vote, reversed the previous vote which opposed cloture, invoked cloture, and then voted on those nominees. I voted against them both, but I thought they deserved an up-or-down vote.

Here tonight and tomorrow, when we vote, at the very minimum we should not filibuster this nomination. We should allow this judge to have an up-or-down vote. One of the speakers tonight indicated he would vote against him. Fine, if that is what your conscience dictates. But first, we have to deal with this question of should we start down this trail of filibustering qualified judges because we disagree with some philosophical position. We shouldn't do that. If we do it here, we will do it again later. If we do it in this administration, we will do it in another administration. Give the man an up-or-down vote. I believe—I am absolutely convinced—that he will be confirmed.

I will have a few more remarks probably in the morning, but let me say to you, Mr. President, and to my colleagues in the Senate, I have never before done this, but I can vouch on my honor to this institution that I have served for many years now and in leadership positions, this is a good and qualified nominee who will reflect credit on the institution that confirms him and in the court in which he serves.

The judicial confirmation process has always shown strong deference to the opinions of home State Senators. There is good reason for this. Home State Senators are uniquely positioned to know the personalities, qualifications, and reputations of the nominees from their state. The fact that this traditional courtesy of the Senate is being ignored should be cause for concern for every Senator in this Chamber.

I respected this traditional courtesy when I served as majority leader. In the last few years of the Clinton administration, a Republican Senate confirmed a string of highly controversial appeals court nominees who nonetheless had the backing of their home State Senators.

When the controversial nominations of Paez and Berzon where debated in 2000, I filed cloture on both of their nominations. While many on my side of the aisle opposed the nominations, I upheld my promise to bring their nominations to an up-or-down vote.

We are in danger of establishing an ill-advised precedent that could have longstanding negative ramifications on not just the legislative branch but also upon the judicial branch. Should this body block a clearly qualified nominee based on a ''perceived controversy''?

Every Senator in this body needs to understand what is at stake here. This isn't a simple case of controversial nominee being taken down in a partisan fight.

This is a mainstream nominee to a seat that has been declared a judicial emergency, with the strong support of both home State Senators, with a ''unanimously well qualified'' rating from the ABA—the supposed gold standard for my colleagues on the other side of the aisle—who was reported out of the Judiciary Committee unanimously for a lower court nomination less than 12 months ago, and a military judge who courageously served in Iraq.

This isn't just about Judge Lesile Southwick. This is about the standard that is being set for the future. Every Senator in this Chamber will have judicial nominees that come from their home State, and they will expect those qualified nominees—with home State Senator support—to be confirmed. Well, that is not the precedent that we are establishing here. Next time, this could be your nominee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, under the order, I think there were 5 minutes, and 2 of the minutes I yielded to my colleague and distinguished Senator, so it is my intention to proceed with 3 minutes.

The PRESIDING OFFICER. There is 9 minutes remaining on the Senator's side.

Mr. COCHRAN. I will use the balance of that in the morning.

The purpose of my being here tonight was to be sure I was available to hear the comments of all Senators who wanted to speak on this confirmation. This has been a very frustrating experience for me personally, because, as my colleague pointed out, we have confronted difficulties in submitting names for the consideration of the Senate for this particular position. Two he pointed out have been nominated by the President and, in fact, rejected. Names were withdrawn because of delays that made it clear those judicial nominees were unacceptable. So we put our heads together, we talked about what the other options were, and decided Leslie Southwick was the epitome of someone who had to be acceptable to the Senate. Not only is he an experienced judge in an appellate court position, but he is a person of great integrity, widely respected, even though he has been a Republican and active in politics in our State, supporting candidates that he thought were the best in his party who were available to be nominated and elected. He is a person who is widely respected by Democrats, as proven by William Winter's very generous letter complimenting him and pointing out his personal qualities. That should be instructive to the Senate in its consideration of this nomination.

I don't know of any situation I have confronted since I have been in the Senate that has been more frustrating than watching and listening to the criticism of this nominee who has been totally unjustified, totally unjustified on the record. Viewing his career as I have observed it, it is not the same person I hear described by those I hear criticizing and objecting to this nomination, reaching through 7,000 opinions trying to find something he had said or done or indicating a view that was unacceptable in a Federal judge. And they come up with two opinions that he didn't write, and they are fully explained by him, and totally contradictory, in the way they have interpreted, to his personality, his good judgment, and the way he has lived his life.

I think it is a lot more instructive if you could have been with me yesterday in Natachez, MI, dedicating a new Federal court building, the shock, I guess, that others might find, that the Presiding Officer at that ceremony was United States District Court Judge

Henry Wingate, an African American I had recommended 20 years ago for the Federal bench, who is now the chief judge of the Southern District in the United States District Court.

There are several other judges, all of whom were there. Edith Jones of the Fifth Circuit, who is the chief judge now of the Fifth Circuit Court of Appeals, was our principal speaker on this occasion. And I noticed that the person who is a U.S. marshal for the Southern District of Mississippi is Nehemiah Flowers, whom I had recommended many years ago and has served in that job with distinction and reflected credit on African Americans of our State, but also as an individual in his own right who is the chief keeper of the peace and law enforcement official in the Federal District Court, I was proud to be there on the podium with him.

Leslie Southwick is totally well qualified and ought to be confirmed by the Senate. I have spoken on the Senate floor a couple of times at great length about it and put into the RECORD letters from people all over our State commending him and vouching for him, talking about his experiences as a judge and my familiarity with him as a person. He has a record that would be the envy of anyone who would aspire to be admired and respected as a judge or a lawyer or a citizen. I can't believe that he is being challenged as harshly as he is by some in this body, and I urge the Senate to confirm him as a United States Court of Appeals judge tomorrow.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes.

Mr. BROWNBACK. Mr. President, I want to speak in favor of Judge Southwick and the nomination and would take up that 4 minutes.

A couple of quick points I want to make on this because the time is short, the hour is late, and I appreciate the Presiding Officer staying. I have met and I have gotten to know Judge Southwick. I have worked with him. I have seen him now through two Senates, the last Senate and this Senate. This is an honorable man. This is a good man. I think this is a smear campaign that people are trying to do on him, on a good man.

I think if he came up in different circumstances everybody would say: Why, absolutely he is the right person for it.

Part of the reason I say that is you look at the last Congress when he came up in front of the Senate Judiciary Committee. Judge Southwick came up in the last Congress, and he was unanimously approved by the Judiciary Committee, seen as a consensus nominee who should move forward. He has been through these parts before. Why is it he was unanimous last time around and now he is a controversial candidate? Why is it you are looking at 7,000 opinions and somehow now we found something in a couple of opinions but didn't find those last year when people were fly-specking it?

I think this is kind of a sign of the times and where we are and the President's time period and the President's approval ratings. He is in his last 2 years and people are looking and saying we don't want to get these many circuit court judges approved. But if you look at the record, this is not fair to this judge.

Look at the diversity issue. I just want to put a chart up on the diversity of the Fifth Circuit because that issue has been raised, the number of appointees to the Fifth Circuit. Under President Clinton and Bush: Women appointed under President Clinton, zero; President Bush appointed two; African Americans, one under Clinton, none under Bush; Hispanics, one under Clinton, one under Bush, and actually there was a third woman appointed under Bush. I don't think that stands the review and test of us being honorable and honest with what the situation is.

This is a judicial emergency situation. Senator LEAHY has previously stated if a vacancy is deemed to be a judicial emergency, it should be addressed quickly. This is a judicial emergency, as determined by the nonpartisan Administrative Office of the Courts. They have declared the seat to which Judge Southwick has been nominated a judicial emergency.

Senator LEAHY, for whom I have a great deal of respect and worked with on a number of additional issues other than this, has also said it is important whether the two home State Senators support the nominee. You have just heard from the two home State Senators who strongly support this nominee.

I think the criteria that have been previously set to fill a circuit court position have been met, in many cases even exceeded. Yet we have a controversy over a person who was seen, one Senate ago, one Congress ago, as a consensus candidate. This seems to be much more reflective of the time rather than the person, and I don't think that is meritorious of this body, to decide something on, OK, it is in this session of Congress rather than the prior session of Congress.

Here is an honorable, good man. If you have qualms with one of the nominees, fine. But let's make it a real set of qualms and let's not make it something that we invent this session, during this Congress, and try to take it out on somebody who is a good candidate.

Here is a person who served honorably in the military, even asked that his age be waived so he could join the Army Reserves at age 42. In 2002, at the age of 53, he volunteered to transfer to a line combat unit that was widely anticipated to deploy to Iraq.

This is an honorable man. I urge my colleagues to actually look past the way he is being painted and look to the reality of the facts and to the longevity of his service and what he seeks to do and to vote and to support this nominee.

I yield the floor.

LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDOR

Mr. CASEY. Mr. President, I rise today to address not only a major public policy issue for the State of Pennsylvania but also a fundamental issue of fairness and the proper role of Government, which I think will have an impact on the country as a whole.

Recently, the U.S. Department of Energy designated 52 counties—52 out of Pennsylvania's 67 counties—as part of a power transmission corridor, more formally known as the National Interest Electric Transmission Corridor. This means the Government will be able to turn three-quarters of the State of Pennsylvania into a superhighway of transmission towers.

Their authority to designate this corridor was granted in the Energy bill passed in 2005 in the previous Congress. This designation would allow the Federal Government to override State authority and construct high-voltage power transmission lines wherever they please—virtually wherever the Federal Government pleases. They could place the lines on farmland, through neighborhoods, through someone's backyard, and, for example, through a beautiful vineyard such as the one I saw most recently in Greene County in the furthermost southwestern corner of Pennsylvania, so virtually anywhere in the Commonwealth and anywhere in the country.

Earlier this year, the Department had a public comment period where I and other public officials and most importantly my constituents spoke out loudly in opposition to the draft corridor plan. That draft plan is virtually identical to the final plan.

Let me give my colleagues a sense of what we are talking about here. This is a map which depicts the draft Mid-Atlantic and Southwest area national corridor. There are people in Washington who for years have been talking about creating opportunities for more power, and this is a national priority, they say. Yet we can see just by the dotted areas that there are a lot of States in the Northeast that will be impacted—obviously, New York and Pennsylvania, West Virginia, Maryland, and a few others, and then out West in the furthermost reaches of the Southwest of our country, principally in the State of California. So for all of the talk about a national priority, there is very little that impacts the middle of our country.

I sent letters, as Senator SPECTER did, to the Department of Energy, but so far, I am not happy to report the Department of Energy has ignored my

constituents. I think this is an outrage, for a government bureaucracy to ignore the people they are supposed to serve. They pay their salaries—those taxpayers pay their salaries. The least this Department should do is respond not just in a timely way but to respond completely. But we haven't seen that yet.

Last week, I met with an Assistant Secretary of Energy to discuss my opposition to the transmission corridor as it is presently drafted. I have sent letters to the Energy Secretary, Mr. Samuel Bodman, most recently in early October. We are still waiting for a response to that, a letter signed by both Senator SPECTER and me, waiting for a response. I know people get busy, but I think it is time now to respond to that letter. We are also waiting for Secretary Bodman to respond to my request for a meeting. We are getting a little resistance there as well.

So while I am waiting for these responses from the Energy Secretary, I want to put him on notice and I want to put the Federal Energy Regulatory Commission—which we know by the acronym FERC—I want to put FERC on notice and I want to put the Senate on notice that I have grave concerns, as a lot of people in Pennsylvania have grave concerns, about this transmission corridor as presently designed or drafted. I am outraged by how my constituents have been treated so far in this process. I would argue they have been ignored in this process.

So I intend to use every means at my disposal—every means at my disposal—to prevent the National Interest Electric Transmission Corridor from moving forward until Pennsylvania is at a minimum treated equitably. So I intend to place a hold on the renomination of Joseph Kelliher, who is now serving as the Chairman of the Federal Energy Regulatory Commission, known as FERC. I will place a hold on his renomination, and I will be introducing tomorrow, in connection with the amendments to the farm bill, an amendment to prevent the use of eminent domain to take farmland for use as a part of this power transmission corridor.

One more chart before I conclude. The second chart here depicts the number of counties affected in the northeastern corner of the United States. I will speak just of Pennsylvania for today—52 out of those 67 counties. Basically, what the Federal Government has told us, in essence, implicitly—this is what I derive from their failure to respond to the State of Pennsylvania—is there is going to be a superhighway of power lines across Pennsylvania, and there is nothing anyone can do about it. The Federal Government is going to take over this effort and put those lines across the State of Pennsylvania.

Well, I have news for them. Pennsylvania is full of a lot of people who are concerned about this, whether they are in small towns or urban areas, and, as we are going to be speaking to tomorrow, rural areas in Pennsylvania, farm communities. Most of those counties designated there are in rural communities. If the Federal Government and the Department of Energy or the Federal Energy Regulatory Commission or anyone else in this town wants to fight about this, we are ready to fight, and we will fight morning, noon, and night until our State, the Commonwealth of Pennsylvania, is treated equitably.

24TH ANNIVERSARY OF BOMBING OF MARINE CORPS BARRACKS IN BEIRUT

Mr. WEBB. Mr. President, 24 years ago today, at 6:20 in the morning, in Beirut, a yellow Mercedes-Benz truck drove into the Beirut International Airport, where the 1st Battalion 8th Marines was keeping its headquarters. The truck crashed through a barbed wire fence, went through the parking lot, passed between two sentry posts, and then crashed through a gate and into the lobby of the large building where the marines were keeping their headquarters.

At that point, the explosives were set off in this truck, ending up with the deaths of 241 American military servicemembers. This was the largest loss of life for the U.S. Marine Corps in one single day since Iwo Jima. It was the largest loss of life in one day for American service people from the beginning of the Tet Offensive of 31 January 1968, and it remains the largest single loss of life in one day since that time.

I believe it is appropriate for us to take a few minutes and remember today the sacrifices that were made and the contributions the United States was attempting to make in that particular circumstance.

I make these comments as someone who is proud to have served in the U.S. Marine Corps, who has a brother who served in the Marine Corps, who has a son who is now serving in the Marine Corps, and as someone who covered the marines in Beirut as a journalist and had recently left the country when this incident occurred.

The marines who went to Beirut came in peace. They had been sent in after several incidents occurred regarding multiparty incidents, which I will describe in a minute, at the request of the Lebanese Government. We had a U.S. Marine Corps representation. We had military people from the United Kingdom, Italy, and France. They were asked to help separate the warring factions inside Beirut during a vicious civil war and also to help separate the end result of an Israeli incursion, in which the Israelis were attempting to take out large elements of the Palestinian Liberation Organization.

So our marines began this ''visibility'' presence in September of 1982. They had been there through different cycles of rotation for a little more than a year when this event occurred.

They operated under enormously difficult rules of engagement. The situation in Beirut at that time was rather similar to what we see in Iraq today in terms of having a weak central government and many different factions around it.

On any given day, our marines in Beirut could be bumping up against Shia militia, Sunni militia, Christian Phalange, Druze militia, the Syrians over the border on one side—as well as with French, U.K., and Italian military units all operating in this environment. The Israeli military, which at this point had pulled back over the Chouf mountains, also was present.

These were very fine marines. I spent a good bit of time with them on their different positions. They were overall commanded by COL Tim Geraghty, an extraordinarily capable officer who had spent more than 2 tours in Vietnam. Their battalion commander, LTC Howard Gerlach, had done a tour and a half in Vietnam as infantry leader.

The rules of engagement were so strict in Beirut at the time that when our marines took fire, they could only return fire with the same type of weapon they were receiving fire from. These very restrictive rules ended up contributing to the situation in which the truck bomb went off. The sentries at the gate where the truck came in were not even allowed to have ammunition in their weapons at that time. They were precluded from being able to take out this truck when it entered because once they saw what was happening, they had to attempt to load their weapons and then fire at it.

This was an incident which combines so many different factors that are still in play right now in the Middle East. We should be remembering it. We should be remembering when we look back on it that the United States must play its hand very carefully in that part of the world. As one marine said to me during a firefight at one outpost I was covering as a journalist:

> It is always difficult when you get involved in a five-sided argument.

We ought to think about that when we are looking at what is going on in other parts of the Middle East today.

But the main purpose of me speaking today is to urge all of us never to forget the courage and the risk and, ultimately, the sacrifice that so many of our young people are required to make on behalf of our country and under the direction of the leadership of those who decide to send them into harm's way.

HONORING OUR ARMED FORCES

CHIEF WARRANT OFFICER JOHN W. ENGEMAN

Mr. ROCKEFELLER. Mr. President, in the lush green hills of Arlington Cemetery, where peace holds its gentle sway, there is a headstone inscribed with the name of John W. Engeman. On it are his rank of chief warrant officer, and his honors, the Legion of Merit, Bronze Star, and Purple Heart. But, like all of the iconic white markers at Arlington, it only tells part of a hero's story.

Chief Warrant Officer Engeman enlisted in the Army when he was 18, and was stationed in Korea and Germany, and served in Kosovo and Operation Desert Storm. Two years ago, he moved with his family to West Virginia, where he was the active duty liaison between the National Guard and Reserves.

But he was more than a career military man; he was also a devoted father and husband, brother and son.

The soldiers in his unit called him a father figure and a great story teller. They recalled that whenever they needed advice, they always went to the Chief. They said they would follow him anywhere because he was a great leader, a good decisionmaker, and a good friend. And, they said, he loved to talk about his wife Donna or his two children, Nicole and Patrick.

So I can only imagine how he must have felt when the Army made special arrangements for him to watch his wife graduate from college. It had been a shared goal between the two of them, and on the day before Mother's Day, he sat half-a-world away and watched the dream turn into a reality. He ended that day by telling his wife how proud he was of her, and that he would call the next day to wish her a happy Mother's Day.

It was a call that would never come. Chief Warrant Officer Engeman's humvee would be struck by a roadside bomb later that evening.

From the earliest days of the Republic we have held a special place in our hearts for those families who have lost a loved one in war. Later this week, as part of the White House Commission of Remembrance, the family of Chief Warrant Officer Engeman will be honored, along with the families of other soldiers, sailors, and marines who have been lost in combat.

It is altogether right and fitting that we do this. Chief Warrant Officer Engeman answered the call to duty and served with honor and distinction. He won the respect of his soldiers and the admiration of his country.

But those truly timeless qualities—his laugh, his quirky smile he would give you when you needed his advice, and his love for his family—will live in the hearts of his wife, children, sisters, and parents forever.

All of West Virginia joins with me today in keeping the Engemans close in our hearts and prayers.

ESTABLISHING A FEDERAL STATUTORY FIRST AMENDMENT PRIVILEGE

Mr. LEAHY. Mr. President, The Senate Judiciary Committee has considered and for the first time reported a bill to establish a Federal statutory privilege to safeguard the freedom of the press. The Free Flow of Information Act, S. 2035, is bipartisan legislation that was reported on a strong bipartisan vote. The House has already passed legislation on this same subject, H.R. 2102, with a strong, bipartisan and apparently veto-proof majority of 398 to 21. Thus, both S. 2035 and H.R. 2102 are available for Senate action on the Senate business calendar. I strongly support the enactment of a Federal shield law for journalists, and I urge the Senate to promptly consider Federal shield legislation.

All of us have an interest in enacting a balanced and meaningful first amendment privilege. Sadly, the press has become the first stop, rather than the last resort, for our Government and private litigants when it comes to seeking information. This is a dangerous trend that can have a chilling effect on the press and the public's right to know.

Enacting Federal shield legislation would help to reverse this troubling trend. In fact, proceeding promptly to consideration of this legislation is something I strongly support. Should the Senate take up the bipartisan shield bill that overwhelmingly passed in the House, Federal shield legislation could go immediately to the President's desk and be signed into law without delay this year.

The Senate bill has the support of a bipartisan coalition of Senators, including Senators SPECTER, SCHUMER, LUGAR, DODD, GRAHAM, and myself, who have all united to cosponsor this legislation. In addition, more than 50 news media and journalism organizations support this legislation, and the call for Senate action on this historic bill extends to editorial pages across the country, including the New York Times, Arizona Republic, L.A. Times, Salt Lake Tribune, and San Francisco Chronicle, among others.

The Senate and House bills protect law enforcement interests and safeguard national security. Moreover, both of these bills follow the lead of 33 States and the District of Columbia which have shield laws, and many other States, including Vermont, which recognize a common law reporters' privilege. Tellingly, the Bush administration has not identified a single circumstance where a reporters' privilege has caused harm to national security or to law enforcement, despite the fact that many courts have recognized such a privilege for years.

When he testified before the Judiciary Committee in favor of Federal shield legislation in 2005, William Safire told the Committee that the essence of newsgathering is this:

> [I]f you don't have sources you trust and who trust you, then you don't have a solid story—and the public suffers for it.

On behalf of the American public, I urge the Senate to protect the public's right to know by promptly considering and passing a Federal shield law.

KINGDOM GEMS OF VERMONT

Mr. LEAHY. Mr. President, I am pleased to stand before the Senate today to tell my friends about Vermont's Northeast Kingdom—a place that is known as much for its natural beauty as the rural and industrious Vermonters who have settled there.

This region, defined by the three northeastern-most counties of Vermont that sit between the headwaters of the Connecticut River and the U.S.-Canadian border, became one of America's first National Geographic geotourism destinations. The designation highlights the character and sense of place that has come to define the dozens of mountain valley communities that sit in Orleans, Essex, and Caledonia Counties.

My wife Marcelle was born in the Northeast Kingdom, just south of the Canadian border in the city of Newport. Since then, like many Vermonters, we have often found ourselves heading to this part of Vermont to visit friends, go for a hike, or find a special place to have a meal. The people of the Northeast Kingdom have made this region of Vermont advance while carefully holding on to the key elements of their identity. Whether they are crafting furniture from the forests of the north woods or diversifying their family farm, these individuals have helped the communities of northeastern Vermont grow.

This autumn, Michelle Edelbaum and Daria Bishop of the Burlington Free Press published an article about a trip the two of them shared through the area, and I ask unanimous consent to have printed in the RECORD the text of the article offering a glimpse into these ''Kingdom Gems.''

There being no objection, the materials was ordered to be printed in the RECORD, as follows:

[From The Burlington Free Press, Sept. 30, 2007]

KINGDOM GEMS

(By Michelle Edelbaum)

When trees scream with crimson, gold and orange, head to the Northeast Kingdom for world-class leaf peeping.

With foliage in mind, photographer Daria Bishop and I spent a day exploring the towns, shops and people that make the area special. We strayed from our loose plan to follow locals' hand-drawn maps down scenic dirt back roads to not-to-miss destinations.

On our 13-hour tour we didn't reach half the locations on our list, which included classic attractions Cabot Creamery, Great Vermont Corn Maze, Stephen Huneck's Dog Mountain and Fairbanks Museum. But we did visit a handful of gems worth a stop.

GREENSBORO

Twenty-eight years ago an enthusiastic David Smith and his wife, Willie, took over Highland Lodge in Greensboro from his parents and fostered a community-centric gathering place that hosts out-of-town guests and community gatherings. ''The Walking Ladies,'' a group of 55 women who range in age from 40 to 86, meet thrice weekly in the dining room for coffee and muffins after they exercise.

On their recommendation we ate moist, sugar-crusted blueberry muffins, from-scratch blueberry pancakes and a fluffy cheese and veggie omelet with McKenzie sausage links. After breakfast, we set out on the lodge's 30 miles of trails from a grove of soaring pine trees decorated with colorful placards of children's artwork, courtesy of the lodge's summer campers.

In Greensboro village two stores dominate the retail scene. The Miller's Thumb, housed in a former grist mill, is filled with local artwork, fancy kitchen knickknacks, Italian pottery and antiques. Watch water rushing under the red building through a plexiglass-covered hole in the floor.

At Willey's Country Store, customer Doug Aronson of Woodbury declares ''if you can't find it here, you can't find it anyplace.'' Wine, appliances, groceries, hardware and clothes are sold at the town institution, housed in a rambling white building that dates to the 1800s and has been owned by the Hurst family for five generations.

CRAFTSBURY

Look up as you approach Pete's Greens in Craftsbury. The roof of the farm's serve-yourself stand is laden with trailing plants, flowers and herbs. Peek inside at artful displays of colorful organic vegetables.

Consider yourself lucky if you hit Stardust Bookstore and Cafe on the idyllic Craftsbury Common during its limited school-centric hours. The store, run primarily by students from Craftsbury Academy, sells new and used books, coffee and espresso drinks inside the quaint 1940s former public library. Part of the proceeds are given to nonprofit organizations and granted as scholarships.

Just outside of town down a long dirt road lies Craftsbury Outdoor Center, on Great Hosmer Pond with 10 kilometers of trails open for biking and hiking. Ski director John Brodhead suggests spending an afternoon canoeing, mountain biking, walking with a naturalist, kayaking or relaxing in an Adirondack chair by the lake.

GLOVER

Untold treasures lie within Red Sky Trading Co. in Glover. Owner Cheri Safford's whimsy is on display in the unique and colorful assortment of vintage house wares, Melmac resin dishware, trays, china tea cups, garden decor, picture frames and more, that fill the maroon barn.

Buttery cookies, dense bars and rich chocolate cakes from Safford's kitchen share counter and refrigerator space with Vermont cheeses, natural sodas and local produce. Don't miss Safford's award-winning canned jellies, jams, bread and butter pickles, chutneys and pickled beets—just like Grandma made.

Between a bank of beer coolers and a rack of chips at Currier's Quality Market Inc. stand three stuffed deer and a black bear; turn the corner into the postal area and you'll come face-to-face with a 948-pound moose. More than 100 taxidermy animals are on display in the one-stop shop, including a porcupine, wild boar, ram and British timberwolf.

Jim Currier, who's owned the store for 40 years with his family, started the ever-growing collection 25 years ago with a deer head from his father. Hunters with a mount at the store earn ''bragging rights,'' said Currier's daughter Julie McKay. Coming soon: a red fox, possum, and snow goose.

By 4 p.m. we hadn't eaten lunch and regretfully skipped Bread and Puppet Museum and its ''Cheap Art.'' We missed Mount Pisgah in Barton, with stunning views of Lake Willoughby, biking in Burke at Kingdom Trails, and a mandarin orange chicken salad at River Garden Cafe. We also passed on flat bread and microbrews at Trout River Brewing Co. in Lyndonville and coffee and chitchat at Miss Lyndonville Diner.

ST. JOHNSBURY

Instead we split for St. Johnsbury, where local-food-centric Elements Food and Spirits, like many destinations in the Northeast Kingdom that have irregular hours, isn't open on Monday.

At Kham's Thai, chef and manager Souki Luangrath, whose Essex Junction-based parents own the restaurant, says quality ingredients are a priority—he even deveins shrimp. Our refreshing late lunch included fresh spring rolls filled with crisp veggies, savory coconut Tom Kha soup and saucy panang curry with chunks of vegetables.

Railroad Street in downtown St. Johnsbury is home to several dozen independently owned shops and restaurants. Moose River Lake and Lodge Store sells jewelry with a Southwestern flair, Adirondack and Amish-style furniture, fine wine kept in a walk-in vault, art by illustrator Philip R. Goodwin, quality sportswear and home decor.

Scottie Raymond, formerly an employee at Outdoor Gear Exchange in Burlington, recently opened Kingdom Outdoors, which sells technical outdoor wear and gear. Raymond inked the graffiti-style mural in the skate shop and lounge downstairs.

During the day, hit Dylan's Caf for creative breakfast and lunch combinations, the newly opened Village Baker for artisan bread and pastries, or Boxcar and Caboose for coffee drinks and books. If you have time, check out PODO Shoes, the Northeast Kingdom Artisan Guild and Gallery and Frogs and Lily Pads.

DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT

Mrs. BOXER. Mr. President, I plan to vote in support of the Development, Relief, and Education for Alien Minors Act of 2007, better known as the DREAM Act.

The thousands of talented and hard working children and young adults who were brought to this country by their parents had nothing to do with the decision to disobey our laws.

I strongly believe this bill will strengthen our communities, our economy, and our military by requiring that undocumented students demonstrate good moral character, prove completion of a college or graduate degree, or serve in the U.S. military for 2 years in order to earn legalized status.

I urge my colleagues to support the DREAM Act.

NATIONAL PHYSICAL THERAPY MONTH

Mr. JOHNSON. Mr. President, I rise today in recognition of National Physical Therapy Month. What we currently celebrate as National Physical Therapy Month began in 1981 as a week long celebration in the month of June. In 1992, that week was extended to a whole month and was moved to October.

National Physical Therapy Month focuses attention on the value of physical therapy to one's health and the contributions of physical therapists to the health of their communities. This year National Physical Therapy Month is focusing on obesity because physical activity is a crucial component of weight loss and better health.

My understanding of physical therapy has greatly increased over the past several months. I owe a debt of gratitude to a great many doctors, nurses, and therapists who brought me through the darkest moments of my life and who are walking with me on the road to recovery.

I am blessed to work with professional and talented physical therapists as I continue my recovery. Their confidence in my ability to improve is infectious, and my physical therapists motivate me to work harder than I thought possible. I am confident that with my hard work and the dedication of my physical therapists, my potential to improve is limitless.

Throughout my career in the U.S. House and Senate, I have strongly supported expanding access to all kinds of health care professionals. Physical therapists provide critical services to their patients. In a rural State like ours, where they may be the only provider of these services in their community, physical therapists greatly improve patient access to care and quality of life.

This year the Senate is considering the Medicare Access to Rehabilitation Services Act which would repeal the annual Medicare outpatient cap on certain physical and occupational therapy services and the Medicare Patient Access to Physical Therapists Act which would authorize qualified physical therapists to provide services for Medicare beneficiaries without requiring a physician referral. It would also provide for treatment of outpatient speech-language pathology services separately from outpatient physical therapy services. I am pleased to support both of these measures, and I commend them to my colleagues for their consideration.

I encourage everyone to consider with their health care professionals how physical therapy might benefit them, whether recovering from an accident or illness or seeking preventive care. National Physical Therapy Month is a great time to learn more about the benefits of physical therapy.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:22 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. 53. An act to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes.

H.R. 189. An act to establish the Paterson Great Falls National Historical Park in the State of New Jersey and for other purposes.

H.R. 523. An act to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district.

H.R. 767. An act to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes.

H.R. 783. An act to modify the boundary of Mesa Verde National Park, and for other purposes.

H.R. 813. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes.

H.R. 830. An act to authorize the exchange of certain interests in land in Denali National Park in the State of Alaska.

H.R. 1205. An act to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes.

H.R. 1337. An act to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District.

H.R. 1462. An act to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir.

H.R. 1803. An act to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes.

H.R. 1855. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project.

H.R. 2094. An act to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes.

H.R. 2197. An act to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes.

H.R. 3564. An act to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States through fiscal year 2011, and for other purposes.

H.R. 3775. An act to support research and development of new industrial processes and technologies that optimize energy efficiency and environmental performance, utilize diverse sources of energy, and increase economic competitiveness.

H.R. 3776. An act to provide for research, development, and demonstration programs in advanced storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution applications, to support the ability of the United States to remain globally competitive in this field, and to promote the efficient delivery and use of energy.

At 5:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 327) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 53. An act to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 189. An act to establish the Paterson Great Falls National Park in the State of New Jersey; to the Committee on Energy and Natural Resources.

H.R. 523. An act to require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No.1 of Douglas County, Washington, to the utility district; to the Committee on Energy and Natural Resources.

H.R. 767. An act to protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 813. An act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 830. An act to authorize the exchange of certain interests in land in Denali National Park in the State of Alaska; to the Committee on Energy and Natural Resources.

H.R. 1205. An act to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1462. An act to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir; to the Committee on Energy and Natural Resources.

H.R. 1803. An act to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1855. An act to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project; to the Committee on Energy and Natural Resources.

H.R. 2197. An act to modify the boundary of the Hopewell Culture National Historical Park in the State of Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3775. An act to support research and development of new and industrial processes and technologies that optimize energy efficiency and environmental performance, utilize diverse sources of energy, and increase economic competitiveness; to the Committee on Energy and Natural Resources.

H.R. 3776. To provide for research, development, and demonstration programs in advanced energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution applications, to support the ability of the United States to remain globally competitive in this field, and to promote the efficient delivery and use of energy; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1337. An act to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District.

H.R. 2094. An act to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2216. A bill to amend the Internal Revenue Code of 1986 to extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation.

S. 2217. A bill to amend the Internal Revenue Code of 1986 to extend the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

were referred or ordered to lie on the table as indicated:

POM–235. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida commending the Florida officials who provided for the installation of guardrails along bodies of water and in roadway medians; to the Committee on Commerce, Science, and Transportation.

POM–236. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida urging the Florida Legislature to designate West Flagler Street from 13 Avenue to 14 Avenue as Father Emilio Vallina Avenue; to the Committee on Commerce, Science, and Transportation.

POM–237. A resolution adopted by the Iberville Parish Council of the State of Louisiana urging Congress to vote in favor of H.R. 1229, the ''Non-Market Economy Trade Remedy Act of 2007''; to the Committee on Finance.

POM–238. A resolution adopted by the Edina City Council of the State of Minnesota endorsing the United Nations principle of the Responsibility to Protect; to the Committee on Foreign Relations.

POM–239. A resolution adopted by the Gretna City Council of the State of Louisiana expressing its support for the implementation of legislation that would improve and eliminate barriers contained in the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

POM–240. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to implement food policies that promote healthy food, farms, and communities by encouraging local production of fruits and vegetables by specialty crop farmers; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE RESOLUTION NO. 156

Whereas, the federal Farm Bill traditionally provides crop subsidies to corn, wheat, soybean, and cotton farmers, and less than 40 percent of all United States farmers and ranchers actually receive any kind of subsidy from the federal government. However, there are many different kinds of farmers, both in Michigan and nationwide, growing nutritious and affordable fruits and vegetables that are vital to the health and well-being of Americans. Government support must emphasize nutritious, affordable, and locally available foods; and

Whereas, the Farm Security and Rural Investment Act of 2002 (the 2002 Farm Bill) encourages institutions participating in the school lunch program to purchase locally produced foods for school meals. While the real price of fruits and vegetables has increased by 40 percent since 1985, the cost of junk foods and sodas has declined by as much as 20 percent. We need to encourage the choice of fresh fruits and vegetables by purchasing locally grown produce and other foods, thereby supporting local farmers and benefiting students in need of high quality, nutritious food products. However, the USDA continues to discourage efforts by schools and other institutions to develop these important programs. The USDA claims that 7 CFR 3016.60(c) clearly prohibits the use of state or local geographic preferences and that all purchases are to be made competitively; and

Whereas, the Community Food Projects, a federally funded program designed to fight food insecurity through development of local food projects, promotes self-sufficiency of low-income communities. Grants from this program support urban nonprofits and urban residents in growing fresh vegetables in their neighborhoods. Funding is also used to provide entrepreneurship training to urban farmers, again encouraging local specialty crop farmers in Michigan. However, maintaining current funding for the Community Food Projects is important to promoting healthy, locally grown foods in low-income communities; and

Whereas, the emphasis on traditional crops in the allocation of farm subsidies has resulted in a loss of fruit and vegetable farmers as well as a decrease in the acreage of specialty crop farmland used for farming nationwide. At the current rate, Michigan will lose 15 percent of its agricultural land by 2040, including 25 percent of the acreage used to grow fruit and 36 percent of the acreage used to grow dry beans. The Michigan House of Representatives supports the federal government encouraging and providing programs and assistance to farm operations that grow fruits and vegetables including but not limited to asparagus, cherries, apples, carrots, beets, lettuce, celery, squash, potatoes, peppers, pumpkins etc: Now, therefore, be it

Resolved by the House of Representatives, That we encourage Congress and the United States Department of Agriculture to implement food policies that promote healthy food, farms, and communities by encouraging local production of fruits and vegetables by specialty crop farmers; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Agriculture, and the members of the Michigan congressional delegation.

POM–241. A resolution adopted by the California State Lands Commission expressing its support for legislation which would reduce pollution from marine vessels that use the nation's ports; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, California's 1,100 mile coastline, with its beautiful beaches, wild cliffs, abundant fish stocks and fragile environment is a national treasure and a valuable state resource, which is at the heart of a tourist industry that generates nearly five billion dollars in state and local taxes each year; and is central to the state's $46 billion ocean economy; and

Whereas, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands below the mean high tide line out to three miles from the coast as well as the lands underlying California's bays, lakes, and rivers; and

Whereas, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, common law that requires these lands to be used for commerce, fishing, navigation, recreation, and environmental protection; and

Whereas, the impacts of air pollution affect the public trust values of the lands under the Commission's jurisdiction and the utility of these lands to the public, future generations, and the environment; and

Whereas, most commercial goods imported to the United States come through our nation's ports by means of marine vessels; and

Whereas, California is home to the busiest ports in the nation, with large volumes of international goods entering through the Ports of Los Angeles, Long Beach, and Oakland, which rank as the first, second, and fourth busiest ports in the country, respectively; and

Whereas, in 2004, 1,900 ships visited California's ports, 87% of which were foreign vessels, and it is estimated that freight volume will more than double in the Los Angeles region over the next 20 years; and

Whereas, marine vessels at California's ports emit large amounts of diesel particulate matter (PM), nitrogen oxides (NOx), and sulfur oxides (SOx), and

Whereas, most marine vessels use high emitting diesel bunker fuel, a low quality petroleum, high in sulfur, that is capable of producing approximately 50 times more haze-forming pollutants than the dirtiest trucks on our nation's highways; and

Whereas, bunker fuel used by marine vessels contains, on average, 27,000 parts per million (ppm) of sulfur, compared to the 15 ppm of sulfur allowed in diesel fuel used by heavy-duty trucks in the U.S.; and

Whereas, the pollutants emitted from burning bunker fuel cause environmental problems such as smog, soot, acid rain and global climate change, as well as damaging health effects such as asthma and cancer—as reported by the California Air Resource Board's Emission Reduction Plan for Ports and Goods Movement, air pollution from California's ports is the cause of 750 premature deaths each year; and

Whereas, in 2006, Maersk, Inc., which operates the largest container terminal in the Los Angeles harbor, voluntarily switched all 37 of its cargo ships to low-sulfur fuel, proving that it is feasible for marine vessels to use environmentally safer fuels, and

Whereas, the U.S. Environmental Protection Agency (EPA) announced a delay until December 2009 to adopt new emission and fuel regulations for big ocean ship propulsion engines and there is no assurance that the rules will be adopted by then or that they will be strict enough to significantly reduce air pollution; and

Whereas, the United Nations International Maritime Organization has before it a proposal, supported by the EPA, World Shipping Council, Pacific Maritime Shipping Association, and U.S. Coast Guard, to develop, among other things, stringent new standards on sulfur content in fuel used by marine vessels; however, it is uncertain if enough nations will support this proposal; and

Whereas, the Marine Vessel Emissions Reduction Act bill, introduced by Senators Boxer and Feinstein through S. 1499, and Congresswoman Solis through H.R. 2548, seeks to regulate the emissions of domestic and foreign-flagged marine vessels entering or leaving U.S. ports or offshore terminals; and

Whereas, specifically, the Marine Vessel Emissions Reduction Act, if passed, will mandate the EPA to set limits on the sulfur content of fuel used by these vessels, if they are within a certain distance from the coast (for the west coast, it is 200 miles), to no more than 1,000 ppm beginning December 31,2010, unless the EPA determines that such a limit is not technically feasible, in which case there will be an interim limit of 2,000 ppm; and

Whereas, the Marine Vessel Emissions Reduction Act, if passed, will also mandate the EPA to establish standards for new and in-use engines in marine vessels that will require the maximum degree of emission reduction for PM, NOx, hydrocarbons, and carbon monoxide achievable by no later than January 1, 2012; therefore, be it

Resolved by the California State Lands Commission, that it supports the Marine Vessel Emissions Reduction Act (S. 1499 and H.R. 2548), which would reduce the emissions of air pollutants from marine vessels, including foreign-flagged vessels, entering or leaving U.S. ports or offshore terminals; and be it further

Resolved, That the Commission's Executive Officer transmit copies of this resolution to

the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, to the Chairs and Ranking Minority Members of the Senate Committee on Environment and Public Works, the House Committee on Energy and Commerce, and to each Senator and Representative from California in the Congress of the United States.

POM–242. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to address the recent approval of increased pollution by British Petroleum into the Great Lakes; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 172

Whereas, Lake Michigan is a national treasure and a vital natural resource shared by four states in trust for the entire nation. Lake Michigan is a drinking water source for millions of people and a recreational haven for swimming, fishing, and boating in all the states. Tourism and recreation based around Lake Michigan are worth billions of dollars each year to these states' economies; and

Whereas, Michigan and the other states bordering Lake Michigan rely on the federal Clean Water Act to limit polluted discharges originating from other states. Pollution originating from any state can negatively affect the public health and economy of the other states that use Lake Michigan water. Improving and preserving Lake Michigan's water quality are imperative to support the many uses of its water; and

Whereas, despite provisions in the federal Clean Water Act that prohibit degradation of water quality, the Indiana Department of Environmental Management approved, and the United States Environmental Protection Agency concurred with, a permit that allows the British Petroleum (BP) refinery in Whiting, Indiana, to increase significantly the dumping of industrial pollutants into Lake Michigan. These discharges threaten other uses of Lake Michigan water and are inconsistent with regional efforts to clean up the Great Lakes; and

Whereas, this decision sets a poor precedent for the future. States could approve increased pollution discharges to interstate waters for industries that economically benefit that state at the expense of other states that rely on that water: Now, therefore, be it

Resolved by the House of Representatives, That we urge the Congress of the United States and the United States Environmental Protection Agency to address the recent approval of increased pollution by British Petroleum into the Great Lakes; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Administrator of the United States Environmental Protection Agency.

POM–243. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to enact H.R. 2927, which responsibly balances achievable fuel economy increases with important economic and social concerns; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 165

Whereas, H.R. 2927 sets tough fuel economy standards without off ramps or loopholes, by requiring separate car and truck standards to meet a total fleet fuel economy between 32 and 35 mpg by 2022—an increase of as much as 40 percent over current fuel economy standards—and requires vehicle fuel economy to be increased to the maximum feasible level in the years leading up to 2022; and

Whereas, H.R. 2927, while challenging, will provide automakers more reasonable lead time to implement technology changes in both the near and long term. Model year 2008 vehicles are already available today, and product and manufacturing planning is done through Model Year 2012. H.R. 2927 recognizes the critical need for engineering lead times necessary for manufacturers to make significant changes to their fleets; and

Whereas, H.R. 2927 respects consumer choice by protecting the important functional differences between passenger cars and light trucks/SUVs. Last year, 2006, was the sixth year in a row that Americans bought more trucks, minivans, and SUVs than passenger cars, because they value attributes such as passenger and cargo load capacity, four-wheel drive, and towing capability that most cars are not designed to provide; and

Whereas, while some would like fuel economy increases to be much more aggressive and be implemented with much less lead time, Corporate Average Fuel Economy (CAFE) standards must be set at levels and in time frames that do not impose economic harm on the manufacturers, suppliers, dealers, and others in the auto industry; and

Whereas, proponents of unrealistic and unattainable CAFE standards cite Europe's 35 mpg fuel economy, without ever mentioning Europe's $6 per gallon gasoline prices, the high sales of diesel vehicles, the high proportion of Europeans driving manual transmission vehicles (80 percent in Europe vs. 8 percent in the U.S.), the significant differences in the size mix of vehicles, or that trucks and SUVs are virtually nonexistent among Europe households; and

Whereas, proponents of unreasonable CAFE standards claim they will save consumers billions, but they neglect to talk about the upfront costs of such changes to the manufacturers of meeting unduly strict CAFE standards—more than $100 billion, according to the National Highway Traffic Safety Administration—which will lead to vehicle price increases of several thousand dollars; and

Whereas, proponents of unrealistic CAFE standards ignore the potential safety impacts of downsized vehicles on America's highways and overlook the historical role and critical importance of manufacturing plants to our national and economic security. They seem unconcerned about threats to the 7.5 million jobs that are directly and indirectly dependent on a vibrant auto industry in the United States. They also seem unconcerned about maintaining CAFE rules that require the continuance of small car production in the United States; and

Whereas, H.R. 2927 is a reasonable bill that balances a number of important public policy concerns. The bill represents a tough but fair compromise that deserves serious consideration and support: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact H.R. 2927, which responsibly balances achievable fuel economy increases with important economic and social concerns, including consumer demand; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–244. A resolution adopted by the Senate of the State of Michigan urging Congress to extend the H2B returning worker exemption permanently; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 96

Whereas, seasonal workers are a key component of our state's and our nation's tourism and recreation industries. Annually, thousands of young men and women use seasonal employment to begin their journey on the path to a career. Many tourism areas, however, do not have the populations necessary to fill all the seasonal jobs available. In Michigan, for example, world-renowned Mackinac Island hires up to 4,500 seasonal workers each year. Its 500 year-around residents cannot begin to supply the workforce necessary for peak-season employment levels; and

Whereas, foreign workers supplement the seasonal staff needs in a host of our tourism and recreation destinations. Many of these employees are in our country under the H2B visa program; and

Whereas, all workers under the H2B visa program are here legally, are tracked by the federal government to ensure they are doing the work their visa is intended for, and are paid under federally prescribed wage scales; and

Whereas, Congress took action to help alleviate problems with the H2B visa program by capping the number of visas available at 66,000, but also exempting workers who already held an H2B visa. This action ensures that there is enough of a workforce available for those industries that depend on seasonal workers; and

Whereas, there is a sunset in the law on the federal level that would remove the returning worker exemption. As of September 30, 2007, every returning worker will again be considered a new worker and be forced to apply under the 66,000 visa limit. This cap had been reached for each of the previous few years before Congress took action, just as the national economy has surged and more and more people are traveling. The cap also distorted hiring patterns across the nation, as employers are forced to put on workers far beyond service needs to help assure that they will have the employees they need when their season begins; and

Whereas, legislation has been introduced in Congress to revise the H2B visa program. The measure would extend the H2B returning worker exemption by removing the sunset language from current law. Clearly, this is an issue that needs prompt action: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to continue exempting returning workers allowed into this country under the H2B visa program by passing H.R. 1843; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the Michigan congressional delegation.

POM–245. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to continue exempting returning workers from the cap on H2B visas; to the Committee on the Judiciary.

HOUSE RESOLUTION NO. 183

Whereas, seasonal workers are an essential component of the tourism and recreational industries of our state and nation. Even though thousands of young people use seasonal employment to begin their journey on the path to a career, many tourism areas do not have the populations necessary to fill all the seasonal jobs available. In Michigan, for example, Mackinac Island hires up to 4,500

seasonal workers each year. The island's 500 year-round residents cannot supply the workforce necessary for peak season employment levels; and

Whereas, foreign workers supplement the seasonal staff needs in a host of our tourism and recreation destinations. Many of these employees are in our country under the H2B visa program; and

Whereas, all workers under the H2B visa program are here legally, are tracked by the federal government to ensure they are doing the work prescribed under their visa, and are paid under federally prescribed wage scales; and

Whereas, according to the Michigan Travel Commission, the travel and tourism industry is a $17.5 billion industry in the state of Michigan, contributing $971 million annually to the state treasury. This industry is dependent upon seasonal workers in order to do business; and

Whereas, recently, the Congress of the United States took action to help alleviate problems with the H2B visa program by capping the number of visas available at 66,000 but also exempting workers who already have H2B visas. This action ensured that there is enough of a workforce available for those industries that depend on seasonal workers; and

Whereas, currently, there is a sunset in the law at the federal level that would remove the returning worker exemption. As of September 30, 2007, every returning worker would again be considered a new worker and be forced to apply under the 66,000 visa limit. This cap had been reached for each of the previous few years before Congress took action, just as the national economy has surged and more and more people are traveling. This cap also distorted hiring patterns across the nation, as employers are forced to put on workers far beyond service needs to help assure that they will have the employees they need when their season begins; and

Whereas, legislation has been introduced in the Congress of the United States to revise the H2B visa program. The measure would extend the H2B returning worker exemption by removing the sunset language from current law. Clearly, this is an issue that needs prompt action: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to continue exempting returning workers from the cap on H2B visas; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–246. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to reestablish medical care for certain veterans whose income and disability status disqualified them for medical care as of January 17, 2003; to the Committee on Veterans' Affairs.

HOUSE RESOLUTION NO. 175

Whereas, we have been at war for nearly six years since the September 11th terrorist attacks on our soil. During this time, American military personnel have served around the world in combat. The wounds and illnesses that they may endure as the result of this service in our defense could affect them for a lifetime. It is our responsibility as a nation to honor their service and sacrifice by doing all we can to restore their health and opportunities in civilian life; and

Whereas, beginning January 17, 2003, veterans with income above certain levels and who have no service-connected disability have been ineligible for Department of Veterans Affairs (VA) medical care. These Priority 8 category veterans may lack other sources of health care, and so ineligibility for VA health care could be a threat to their long-term health. Even veterans without evident war-related injuries or illnesses could have hidden health issues that can evolve into serious problems. Infections or viruses from serving in foreign lands might not reveal themselves until later in life. In addition, veterans with combat wounds such as traumatic brain injury (TSI) from blast effects or post-traumatic stress disorder (PTSD) may not display symptoms for years. Without early access to the VA healthcare system, veterans may not have the benefits of medical monitoring and early intervention in developing health issues; and

Whereas, Congress has before it two bills that would restore VA eligibility to these Priority 8 veterans under current standards with income levels too high and no service-connected disability. In the House of Representatives, HR 463 would restore this eligibility, while in the Senate, S 1147 has been introduced. We owe it to our veterans to act on this legislation to ensure that any long-term problems that may not be currently evident can be identified and treated in a timely manner. Providing quality health care is part of our duty as a nation to our veterans, and there is no excuse for failing to right this mistake: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to reestablish medical care for certain veterans whose income and disability status disqualified them for Department of Veterans Affairs medical care as of January 17, 2003; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1845. A bill to provide for limitations in certain communications between the Department of Justice and the White House Office relating to civil and criminal investigations, and for other purposes (Rept. No. 110–203).

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. INHOFE:

S. 2216. A bill to amend the Internal Revenue Code of 1986 to extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; read the first time.

By Mr. INHOFE (for himself and Mr. ROBERTS):

S. 2217. A bill to amend the Internal Revenue Code of 1986 to extend the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties; read the first time.

By Mr. ROBERTS:

S. 2218. A bill to provide for the award of a military service medal to members of the Armed Forces who were exposed to ionizing radiation as a result of participation in a test of atomic weapons; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. AKAKA, Ms. STABENOW, Mrs. BOXER, and Mr. OBAMA):

S. 2219. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. MARTINEZ):

S. 2220. A bill to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 2221. A bill to amend title XVIII of the Social Security Act to provide for the reporting of sales price data for implantable medical devices; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 507

At the request of Mr. CONRAD, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 507, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 719

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 719, a bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

S. 940

At the request of Mr. BAUCUS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 940, a bill to amend the Internal Revenue Code of 1986 to permanently extend the subpart F exemption for active financing income.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 982

At the request of Mrs. MURRAY, her name was added as a cosponsor of S.

982, a bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes.

S. 1200

At the request of Mr. DORGAN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1200, a bill to amend the Indian Health Care Improvement Act to revise and extend the Act.

S. 1375

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1375, a bill to ensure that new mothers and their families are educated about postpartum depression, screened for symptoms, and provided with essential services, and to increase research at the National Institutes of Health on postpartum depression.

S. 1395

At the request of Mr. LEVIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1395, a bill to prevent unfair practices in credit card accounts, and for other purposes.

S. 1413

At the request of Ms. MIKULSKI, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1413, a bill to provide for research and education with respect to uterine fibroids, and for other purposes.

S. 1445

At the request of Mrs. BOXER, her name was added as a cosponsor of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1553

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1553, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 1616

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1616, a bill to amend the Clean Air Act to promote and assure the quality of biodiesel fuel, and for other purposes.

S. 1718

At the request of Mr. BROWN, the name of the Senator from Missouri (Mrs. MCCASKILL) 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. 1847

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1847, a bill to reauthorize the Consumer Product Safety Act, and for other purposes.

S. 1870

At the request of Mr. FEINGOLD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1870, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2022

At the request of Mr. JOHNSON, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2022, a bill to prohibit the closure or relocation of any county office of the Farm Service Agency until at least one year after the enactment of an Act to provide for the continuation of agricultural programs for fiscal years after 2007.

S. 2087

At the request of Mr. DORGAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2087, a bill to amend certain laws relating to Native Americans to make technical corrections, and for other purposes.

S. 2128

At the request of Mr. SUNUNU, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2128, a bill to make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent.

S. 2136

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2136, a bill to address the treatment of primary mortgages in bankruptcy, and for other purposes.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) 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. 2190

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of 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.

S. 2205

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2205, a bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

AMENDMENT NO. 3364

At the request of Mr. COLEMAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3364 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. 3376

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 3376 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. 3387

At the request of Mr. DEMINT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3387 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. 3396

At the request of Mr. GRASSLEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 3396 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. 3400

At the request of Mr. CARDIN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3400 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. 3440

At the request of Mr. BINGAMAN, the names of the Senator from Maine (Ms. SNOWE), the Senator from Montana (Mr. BAUCUS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Ohio (Mr. BROWN), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3440 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.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3440 proposed to H.R. 3043, supra.

AMENDMENT NO. 3447

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 3447 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. ROBERTS:

S. 2218. A bill to provide for the award of a military service medal to members of the Armed Forces who were exposed to ionizing radiation as a result of participation in a test of atomic weapons; to the Committee on Armed Services.

Mr. ROBERTS. Mr. President, I want to take a moment to honor those veterans who have served their Nation as quiet heroes. These quiet heroes, otherwise known as Atomic Veterans, were exposed unknowingly to ionizing radiation resulting from atomic testing conducted between 1945–1963.

Sacrifice in the service of your country can take many different forms. We see it everyday in our military efforts in Iraq and Afghanistan. We see it in the hospital beds of Walter Reed and VA hospitals nationwide. It is our duty as Americans, to honor the sacrifice made by our Nation's servicemembers.

In the case of the Atomic Veterans, sacrifice was not necessarily something that happened on the battlefield, nor on the navel fleet. The price that many Atomic Veterans paid came due after their years of military service, when enduring mysterious cancers and other medical conditions related to their exposure to ionizing radiation. Their fight continues and the time is long overdue to recognize what, for some, has become the ultimate sacrifice.

In recognition of the silent sacrifices made by these American heroes, I am introducing the Atomic Veterans Medal Act. It is the Senate companion to H.R. 3471, offered by my colleague, Congressman TODD TIAHRT, in the House. We owe a debt of gratitude to brave Americans who have worn the uniform. It is my hope that this measure helps to show the respect and honor these Atomic Veterans deserve.

By Mr. DURBIN (for himself, Mr. AKAKA, Ms. STABENOW, Mrs. BOXER, and Mr. OBAMA):

S. 2219: A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Finance.

Mr. DURBIN. Mr. President, nearly 4 years have passed since Congress enacted the Medicare Modernization Act. Adding a prescription drug benefit to Medicare was long overdue, and many senior citizens and people with disabilities are relieved to finally have drug coverage.

But the drug benefit was not structured like the rest of Medicare. For all other Medicare benefits, seniors can choose whether to receive benefits directly through Medicare or through a private insurance plan. The overwhelming majority choose the Medicare-run option for their hospital and physician coverage.

No such choice is available for prescription drugs. Medicare beneficiaries must enroll in a private insurance plan to obtain drug coverage.

A report released today by the Medicare Rights Center, with the support of Consumers Union, identifies the problems this decision to rely exclusively on private drug plans has created.

Seniors are having trouble identifying which of the dozens of private drug plans works best for them. Anyone who has visited a senior center or spoken with an elderly relative knows that the complexity of the drug benefit has created much confusion.

Each drug plan has its own premium, cost-sharing requirements, list of covered drugs, and pharmacy network. After you have identified the right drug plan, you have to go through the whole process again at the end of the year because your plan may have changed the drugs it covers or added new restrictions on how to access covered drugs.

Medicare beneficiaries often cannot obtain the drugs they need because they are trapped in an appeals process that the Medicare Rights Center calls ''hopelessly dysfunctional.'' Drug plans often do not tell beneficiaries that they can appeal a drug plan's decision to deny coverage of a drug, even though they are required to do so. Beneficiaries who do appeal soon find that it is a long and difficult process.

The complexity of the Medicare drug benefit also has made beneficiaries more vulnerable to aggressive and deceptive marketing practices. Some insurers try to steer seniors into more profitable Medicare Advantage plans. Some seniors have been signed up for Medicare Advantage plans without their knowledge, and, unfortunately, there have also been unscrupulous insurance agents who have misrepresented what benefits would be covered.

Adding to the frustration with the program so far is accumulating evidence that private drug plans have not been effective negotiators, which means seniors end up paying more than they should.

Drug prices are higher in private Medicare drug plans than drug prices available through the Veterans Administration, Medicaid, and other countries like Canada.

A report by the House Oversight and Government Reform Committee estimated that taxpayers and Medicare beneficiaries would have saved almost $15 billion in 2007 if administrative expenses in the drug program were as low as the traditional government-run Medicare program and if drug prices were the same as Medicaid levels.

It should come as no surprise then that the average beneficiary who stays in their current Medicare drug plan will see their monthly premiums increase 21 percent in 2008.

Today, I am introducing the Medicare Prescription Drug Savings and Choice Act. The bill would create a Medicare-operated drug plan that would compete with private drug plans and would require the Health and Human Services Secretary to negotiate with drug companies to lower drug prices.

This is the kind of drug plan that Medicare beneficiaries are looking for. According to a survey by the Kaiser Family Foundation, ⅔ of seniors want the option of getting drug coverage directly from Medicare, and over 80 percent favor allowing the government to negotiate with drug companies for lower prices.

The Health and Human Services Secretary would have the tools to negotiate with drug companies, including the use of drug formulary. The best medical evidence would determine which drugs are covered in the formulary, and the formulary would be used to promote safety, appropriate use of drugs, and value.

The bill would establish an appeals process that is efficient, imposes minimal administrative burdens, and ensures timely procurement of nonformulary drugs or nonpreferred drugs when medically necessary.

The Secretary would also develop a system for paying pharmacies that

would include the prompt payment of claims.

Seniors want the ability to choose a Medicare-administered drug plan. Let us give them this option, just as they have this choice with every other benefit covered by Medicare. Many seniors will find direct Medicare coverage to be a simpler, more dependable, and less costly option than private drug plans.

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. 2219

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 Prescription Drug Savings and Choice Act of 2007''.

SEC. 2. ESTABLISHMENT OF MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION.

(a) IN GENERAL.—Subpart 2 of part D of the Social Security Act is amended by inserting after section 1860D–11 (42 U.S.C. 1395w–111) the following new section:

''MEDICARE OPERATED PRESCRIPTION DRUG PLAN OPTION

''SEC. 1860D–11A. (a) IN GENERAL.—Notwithstanding any other provision of this part, for each year (beginning with 2009), in addition to any plans offered under section 1860D–11, the Secretary shall offer one or more medicare operated prescription drug plans (as defined in subsection (c)) with a service area that consists of the entire United States and shall enter into negotiations in accordance with subsection (b) with pharmaceutical manufacturers to reduce the purchase cost of covered part D drugs for eligible part D individuals who enroll in such a plan.

''(b) NEGOTIATIONS.—Notwithstanding section 1860D–11(i), for purposes of offering a medicare operated prescription drug plan under this section, the Secretary shall negotiate with pharmaceutical manufacturers with respect to the purchase price of covered part D drugs in a Medicare operated prescription drug plan and shall encourage the use of more affordable therapeutic equivalents to the extent such practices do not override medical necessity as determined by the prescribing physician. To the extent practicable and consistent with the previous sentence, the Secretary shall implement strategies similar to those used by other Federal purchasers of prescription drugs, and other strategies, including the use of a formulary and formulary incentives in subsection (e), to reduce the purchase cost of covered part D drugs.

''(c) MEDICARE OPERATED PRESCRIPTION DRUG PLAN DEFINED.—For purposes of this part, the term 'medicare operated prescription drug plan' means a prescription drug plan that offers qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A). Such a plan may offer supplemental prescription drug coverage in the same manner as other qualified prescription drug coverage offered by other prescription drug plans.

''(d) MONTHLY BENEFICIARY PREMIUM.—

''(1) QUALIFIED PRESCRIPTION DRUG COVERAGE.—The monthly beneficiary premium for qualified prescription drug coverage and access to negotiated prices described in section 1860D–2(a)(1)(A) to be charged under a medicare operated prescription drug plan shall be uniform nationally. Such premium for months in 2009 and each succeeding year shall be based on the average monthly per capita actuarial cost of offering the medicare operated prescription drug plan for the year involved, including administrative expenses.

''(2) SUPPLEMENTAL PRESCRIPTION DRUG COVERAGE.—Insofar as a medicare operated prescription drug plan offers supplemental prescription drug coverage, the Secretary may adjust the amount of the premium charged under paragraph (1).

''(e) USE OF A FORMULARY AND FORMULARY INCENTIVES.—

''(1) IN GENERAL.—With respect to the operation of a medicare operated prescription drug plan, the Secretary shall establish and apply a formulary (and may include formulary incentives described in paragraph (2)(C)(ii)) in accordance with this subsection in order to—

''(A) increase patient safety;

''(B) increase appropriate use and reduce inappropriate use of drugs; and

''(C) reward value.

''(2) DEVELOPMENT OF INITIAL FORMULARY.—

''(A) IN GENERAL.—In selecting covered part D drugs for inclusion in a formulary. the Secretary shall consider clinical benefit and price.

''(B) ROLE OF AHRQ.—The Director of the Agency for Healthcare Research and Quality shall be responsible for assessing the clinical benefit of covered part D drugs and making recommendations to the Secretary regarding which drugs should be included in the formulary. In conducting such assessments and making such recommendations, the Director shall—

''(i) consider safety concerns including those identified by the Federal Food and Drug Administration;

''(ii) use available data and evaluations, with priority given to randomized controlled trials, to examine clinical effectiveness, comparative effectiveness, safety, and enhanced compliance with a drug regimen;

''(iii) use the same classes of drugs developed by United States Pharmacopeia for this part;

''(iv) consider evaluations made by—

''(I) the Director under section 1013 of Medicare Prescription Drug, Improvement, and Modernization Act of 2003;

''(II) other Federal entities, such as the Secretary of Veterans Affairs; and

''(III) other private and public entities, such as the Drug Effectiveness Review Project and Medicaid programs; and

''(v) recommend to the Secretary—

''(I) those drugs in a class that provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that should be included in the formulary;

''(II) those drugs in a class that provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that should be excluded from the formulary; and

''(III) drugs in a class with same or similar clinical benefit for which it would be appropriate for the Secretary to competitively bid (or negotiate) for placement on the formulary.

''(C) CONSIDERATION OF AHRQ RECOMMENDATIONS.—

''(i) IN GENERAL.—The Secretary, after taking into consideration the recommendations under subparagraph (B)(v), shall establish a formulary, and formulary incentives, to encourage use of covered part D drugs that—

''(I) have a lower cost and provide a greater clinical benefit than other drugs;

''(II) have a lower cost than other drugs with same or similar clinical benefit; and

''(III) drugs that have the same cost but provide greater clinical benefit than other drugs.

''(ii) FORMULARY INCENTIVES.—The formulary incentives under clause (i) may be in the form of one or more of the following:

''(I) Tiered copayments.

''(II) Reference pricing.

''(III) Prior authorization.

''(IV) Step therapy.

''(V) Medication therapy management.

''(VI) Generic drug substitution.

''(iii) FLEXIBILITY.—In applying such formulary incentives the Secretary may decide not to impose any cost-sharing for a covered part D drug for which—

''(I) the elimination of cost sharing would be expected to increase compliance with a drug regimen; and

''(II) compliance would be expected to produce savings under part A or B or both.

''(3) LIMITATIONS ON FORMULARY.—In any formulary established under this subsection, the formulary may not be changed during a year, except—

''(A) to add a generic version of a covered part D drug that entered the market;

''(B) to remove such a drug for which a safety problem is found; and

''(C) to add a drug that the Secretary identifies as a drug which treats a condition for which there has not previously been a treatment option or for which a clear and significant benefit has been demonstrated over other covered part D drugs.

''(4) ADDING DRUGS TO THE INITIAL FORMULARY.—

''(A) USE OF ADVISORY COMMITTEE.—The Secretary shall establish and appoint an advisory committee (in this paragraph referred to as the 'advisory committee')—

''(i) to review petitions from drug manufacturers, health care provider organizations, patient groups, and other entities for inclusion of a drug in, or other changes to, such formulary; and

''(ii) to recommend any changes to the formulary established under this subsection.

''(B) COMPOSITION.—The advisory committee shall be composed of 9 members and shall include representatives of physicians, pharmacists, and consumers and others with expertise in evaluating prescription drugs. The Secretary shall select members based on their knowledge of pharmaceuticals and the Medicare population. Members shall be deemed to be special Government employees for purposes of applying the conflict of interest provisions under section 208 of title 18, United States Code, and no waiver of such provisions for such a member shall be permitted.

''(C) CONSULTATION.—The advisory committee shall consult, as necessary, with physicians who are specialists in treating the disease for which a drug is being considered.

''(D) REQUEST FOR STUDIES.—The advisory committee may request the Agency for Healthcare Research and Quality or an academic or research institution to study and make a report on a petition described in subparagraph (A)(ii) in order to assess—

''(i) clinical effectiveness;

''(ii) comparative effectiveness;

''(iii) safety; and

''(iv) enhanced compliance with a drug regimen.

''(E) RECOMMENDATIONS.—The advisory committee shall make recommendations to the Secretary regarding—

''(i) whether a covered part D drug is found to provide a greater clinical benefit, including fewer safety concerns or less risk of side-effects, than another drug in the same class that is currently included in the formulary and should be included in the formulary;

''(ii) whether a covered part D drug is found to provide less clinical benefit, including greater safety concerns or a greater risk of side-effects, than another drug in the same class that is currently included in the formulary and should not be included in the formulary; and

''(iii) whether a covered part D drug has the same or similar clinical benefit to a drug in the same class that is currently included in the formulary and whether the drug should be included in the formulary.

''(F) LIMITATIONS ON REVIEW OF MANUFACTURER PETITIONS.—The advisory committee shall not review a petition of a drug manufacturer under subparagraph (A)(ii) with respect to a covered part D drug unless the petition is accompanied by the following:

''(i) Raw data from clinical trials on the safety and effectiveness of the drug.

''(ii) Any data from clinical trials conducted using active controls on the drug or drugs that are the current standard of care.

''(iii) Any available data on comparative effectiveness of the drug.

''(iv) Any other information the Secretary requires for the advisory committee to complete its review.

''(G) RESPONSE TO RECOMMENDATIONS.—The Secretary shall review the recommendations of the advisory committee and if the Secretary accepts such recommendations the Secretary shall modify the formulary established under this subsection accordingly. Nothing in this section shall preclude the Secretary from adding to the formulary a drug for which the Director of the Agency for Healthcare Research and Quality or the advisory committee has not made a recommendation.

''(H) NOTICE OF CHANGES.—The Secretary shall provide timely notice to beneficiaries and health professionals about changes to the formulary or formulary incentives.

''(f) INFORMING BENEFICIARIES.—The Secretary shall take steps to inform beneficiaries about the availability of a Medicare operated drug plan or plans including providing information in the annual handbook distributed to all beneficiaries and adding information to the official public Medicare website related to prescription drug coverage available through this part.

''(g) APPLICATION OF ALL OTHER REQUIREMENTS FOR PRESCRIPTION DRUG PLANS.—Except as specifically provided in this section, any Medicare operated drug plan shall meet the same requirements as apply to any other prescription drug plan, including the requirements of section 1860D-4(b)(1) relating to assuring pharmacy access).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1860D–3(a) of the Social Security Act (42 U.S.C. 1395w–103(a)) is amended by adding at the end the following new paragraph:

''(4) AVAILABILITY OF THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—A medicare operated prescription drug plan (as defined in section 1860D–11A(c)) shall be offered nationally in accordance with section 1860D–11A.''.

(2)(A) Section 1860D–3 of the Social Security Act (42 U.S.C. 1395w–103) is amended by adding at the end the following new subsection:

''(c) PROVISIONS ONLY APPLICABLE IN 2006, 2007, AND 2008.—The provisions of this section shall only apply with respect to 2006, 2007, and 2008.''.

(B) Section 1860D–11(g) of such Act (42 U.S.C. 1395w–111(g)) is amended by adding at the end the following new paragraph:

''(8) NO AUTHORITY FOR FALLBACK PLANS AFTER 2008.—A fallback prescription drug plan shall not be available after December 31, 2008.''.

(3) Section 1860D–13(c)(3) of such Act (42 U.S.C. 1395w–113(c)(3)) is amended—

(A) in the heading, by inserting ''AND MEDICARE OPERATED PRESCRIPTION DRUG PLANS'' after ''FALLBACK PLANS''; and

(B) by inserting ''or a medicare operated prescription drug plan'' after ''a fallback prescription drug plan''.

(4) Section 1860D–16(b)(1) of such Act (42 U.S.C.1395w–116(b)(1)) is amended—

(A) in subparagraph (C), by striking ''and'' after the semicolon at the end;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

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

''(E) payments for expenses incurred with respect to the operation of medicare operated prescription drug plans under section 1860D–11A.''.

(5) Section 1860D–41(a) of such Act (42 U.S.C. 1395w–151(a)) is amended by adding at the end the following new paragraph:

''(19) MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—The term 'medicare operated prescription drug plan' has the meaning given such term in section 1860D–11A(c).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 101 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

SEC. 3. IMPROVED APPEALS PROCESS UNDER THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.

Section 1860D–4(h) of the Social Security Act (42 U.S.C. 1305w–104(h)) is amended by adding at the end the following new paragraph:

''(h) APPEALS PROCESS FOR MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—

''(1) IN GENERAL.—The Secretary shall develop a well-defined process for appeals for denials of benefits under this part under the medicare operated prescription drug plan. Such process shall be efficient, impose minimal administrative burdens, and ensure the timely procurement of non-formulary drugs or exemption from formulary incentives when medically necessary. Medical necessity shall be based on professional medical judgment, the medical condition of the beneficiary, and other medical evidence. Such appeals process shall include—

''(A) an initial review and determination made by the Secretary; and

''(B) for appeals denied during the initial review and determination, the option of an external review and determination by an independent entity selected by the Secretary.

''(2) CONSULTATION IN DEVELOPMENT OF PROCESS.—In developing the appeals process under paragraph (1), the Secretary shall consult with consumer and patient groups, as well as other key stakeholders to ensure the goals described in paragraph (1) are achieved.''.

SEC. 4. PHARMACY PAYMENT UNDER THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.

Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112 (b)) is amended by adding at the end the following new paragraph:

''(4) PHARMACY PAYMENT UNDER THE MEDICARE OPERATED PRESCRIPTION DRUG PLAN.—

''(A) IN GENERAL.—Under the medicare operated prescription drug plan, the Secretary shall develop a system for payment to pharmacies. Such a system shall include a requirement that the plan shall issue, mail, or otherwise transmit payment for all clean claims submitted under this part within the applicable number of calendar days after the date on which the claim is received.

''(B) DEFINITIONS.—In this paragraph:

''(i) CLEAN CLAIM.—The term 'clean claim' means a claim, with respect to a covered part D drug, that has no apparent defect or impropriety (including any lack of any required substantiating documentation) or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under this part.

''(ii) APPLICABLE NUMBER OF CALENDAR DAYS.—The term 'applicable number of calendar days' means—

''(I) with respect to claims submitted electronically, 14 calendar days; and

''(II) with respect to claims submitted otherwise, 30 calendar days.

''(C) PROCEDURES INVOLVING CLAIMS.—

''(i) CLAIMS DEEMED TO BE CLEAN CLAIMS.—

''(I) IN GENERAL.—A claim for a covered part D drug shall be deemed to be a clean claim for purposes of this paragraph if the Secretary does not provide a notification of deficiency to the claimant by the 10th day that begins after the date on which the claim is submitted.

''(II) NOTIFICATION OF DEFICIENCY.—For purposes of subclause (I), the term 'notification of deficiency' means a notification that specifies all defects or improprieties in the claim involved and that lists all additional information or documents necessary for the proper processing and payment of the claim.

''(ii) PAYMENT OF CLEAN PORTIONS OF CLAIMS.—The Secretary shall, as appropriate, pay any portion of a claim for a covered part D drug under the medicare operated prescription drug plan that would be a clean claim but for a defect or impropriety in a separate portion of the claim in accordance with subparagraph (A).

''(iii) OBLIGATION TO PAY.—A claim for a covered part D drug submitted to the Secretary that is not paid or contested by the provider within the applicable number of calendar days (as defined in subparagraph (B)) shall be deemed to be a clean claim and shall be paid by the Secretary in accordance with subparagraph (A).

''(iv) DATE OF PAYMENT OF CLAIM.—Payment of a clean claim under subparagraph (A) is considered to have been made on the date on which full payment is received by the provider.

''(D) ELECTRONIC TRANSFER OF FUNDS.—The Secretary shall pay all clean claims submitted electronically by an electronic funds transfer mechanism.''.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. MARTINEZ):

S. 2220. A bill to amend the Outdoor Recreation Act of 1963 to authorize certain appropriations; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, today I am introducing legislation that will amend the Outdoor Recreation Act of 1963, to further enhance education, instruction and recreation opportunities available in our Nation's tropical botanical gardens. I wish to also thank my colleagues, Senators DANIEL INOUYE, MEL MARTINEZ and BILL NELSON, for joining me in sponsoring this measure.

Studies have indicated that throughout the world, our plants and their habitats are quickly disappearing. With 90 percent of these species existing in tropical areas, it is imperative that we continue to strive for a greater understanding of how we can preserve these natural resources.

The legislation that I am introducing today, the Outdoor Recreation Act of 1963 Amendments Act, will authorize $1

million for the National Botanical Gardens in fiscal year 2009, and up to $500,000 each fiscal year thereafter. These funds are to be matched by State and local governments as well as private individuals.

Since Congress chartered the National Tropical Botanical Gardens in 1964, the gardens have not only thrived and flourished, but have provided valuable research. This research is vital to enriching our lives through not only perpetuating the survival of ecosystems, but preserving the cultural knowledge of these tropical regions.

As we, and the rest of the world, continue to develop rural areas, we slowly deplete our natural resources and place our Nation's tropical plant bio-diversity at risk. It is our responsibility to ensure that measures are in place that will preserve our finite natural resources, or we may find ourselves without the basics for survival.

These gardens serve as safe havens for endangered tropical plants where scientists strive to understand the evolution, structure relationships and qualities of these plants for the future benefit of all Americans. The gardens also serve as a valuable educational tool, where students of all ages go to learn about environmental stewardship and horticultural practices, and discover that science can be fun. The collections at these gardens provide valuable information that conservationists and others utilize to study and determine how to protect these resources by halting further degradation of habitats so that at-risk species will have a better chance of surviving in the future.

I urge my colleagues to support this important legislation in order to ensure that these gardens continue to not only thrive for generations to come, but ensure that these resources will be preserved.

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 2221. A bill to amend title XVIII of the Social Security Act to provide for the reporting of sales price data for implantable medical devices; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to introduce today with Senator SPECTER the Transparency in Medical Device Pricing Act of 2007.

As we all know, both parties to a transaction need information in order for the free market to properly work. If only one party has information, the market does not properly function because you have a one-sided negotiation. The purpose of this legislation is to bring transparency to medical device pricing so that there will be sufficient information available for market forces to truly work.

In the Medicare program, most hospitals receive a single payment for all the health care goods and services provided during a beneficiary's stay. This payment structure is designed to give hospitals incentives to provide efficient, effective, and economical care. Why? Because when a hospital lowers its costs, more of the Medicare payment can go toward the hospital's bottom line.

Hospitals normally have many resources like consultants or reference materials to help them when they negotiate prices for things like drugs, nursing care, or hospital gowns. Unfortunately, this is not the case with implantable medical devices like pacemakers, stents, and artificial hips and knees.

Hospitals have no way of knowing what a fair market price for a medical device is, because in this one industry there is a veil of secrecy over pricing information. In fact, manufacturers typically require hospitals to agree to secrecy or gag clauses in their contracts. The device makers actually prohibit hospitals from disclosing the price of a medical device to others. So hospitals have no idea of what is a fair price. Instead they must engage in one-sided negotiations with medical device manufacturers.

We all know that there must be enough transparency for market forces to work. The free market, after all, thrives on complete information and open competition—not on gag rules and secrecy clauses.

As a farmer, when I go out and buy a tractor, I first go out and talk to a number of people to help me figure out what is a fair price. Having this information puts me on equal footing with the dealer when we negotiate the price. After all, I don't want to be taken to the cleaners.

Today, there is no level playing field when hospitals negotiate with device manufacturers. It shows. This is a major reason why many hospitals pay absurdly more than others for the same medical device. The inflated prices many hospitals pay have implications for the health care system on multiple levels.

First, higher medical device costs take up more of the Medicare payment. That means hospitals have less to spend on other crucial components of care such as staff. And hospitals have less of the Medicare payment to devote toward their bottom line. So they have less money for activities to improve hospital quality and safety. They have less money to spend on health information technology systems. Most importantly, they have less money to keep their doors open and provide care to Medicare beneficiaries. In rural areas in my state where hospitals are barely squeaking by, this is a problem.

Also, I want to point out how hospitals paying more than the fair market price for medical devices adds to skyrocketing entitlement spending. Medicare hospital payments are updated every year. The update takes into account the increased cost of goods and services used to provide care to beneficiaries. Let us say medical device prices are higher than they should be. As a result, Medicare hospital payment updates and Medicare spending will rise faster than they should.

Also, let us remember that there are cost-sharing requirements for certain hospital services. And so Medicare beneficiaries will be paying more out-of-pocket than they should.

All this adds up to one thing: a need for greater transparency in medical device pricing. My good friend and colleague, Senator SPECTER, and I have developed a way to provide greater transparency.

The Transparency in Medical Device Pricing Act of 2007 would bring this needed transparency to medical device pricing by building on current initiatives at the Department of Health and Human Services, HHS. Under the act, here are some conditions device manufacturers would have to receive direct or indirect payments under Medicare, Medicaid, or SCHIP. Every quarter they would have to submit to the HHS Secretary data on average and median sales prices for all medical devices that are implanted during inpatient and outpatient procedures. Manufacturers would be subject to civil money penalties from $10,000 to $100,000 for failure to report or misrepresentations of price data.

Collecting such data is not new to HHS. The Secretary has been collecting average sales price data for drugs covered under Part B of the Medicare program for a number of years now.

The Secretary would also be required to make the data available to the public on the website of the Centers for Medicare & Medicaid Services, CMS. CMS would have to update the website on a quarterly basis.

Again, this is nothing new at HHS. It has been promoting transparency in Medicare for quite some time. The Secretary already publicly reports quality and price data of various Medicare providers. This is so beneficiaries can use these resources when selecting a provider.

Publicly reporting implantable medical device pricing would help hospitals negotiate fair prices. For once, they would have a resource to consult so negotiations would be fairer.

Mr. President, let me be clear. I fully support the medical device industry making a profit. I just think it should not be at the expense of hospitals, beneficiaries and the American taxpayer paying much more than they should. We must let the market work, and markets depend on information.

The Transparency in Medical Device Pricing Act of 2007 would go a long way toward ensuring that free market forces actually work. The act would enable hospitals to obtain medical devices at fair prices.

Mr. SPECTER. Mr. President, with Senator GRASSLEY, I introduce a bill that will help control Medicare spending and will increase transparency in our health care system. Medicare spending is a huge component of the Federal budget. In 2006, Medicare benefit payments totaled $374 billion and accounted for 12 percent of the Federal budget.

Over the past several months I have received many letters from hospitals, consumer groups, employers, health and welfare funds, and health care journalists about the secrecy that the medical device industry is trying to impose around pricing for implantable medical devices, pacemakers, hip and knee replacements, which hospitals purchase. Hospitals are being told they can't share pricing information with any ''third parties,'' that would include patients, physicians, auditors, and consultants. The hospitals are not the ultimate payers. The payers are patients and those who provide health insurance coverage, which includes small businesses, large employers, and local, State, and Federal Government programs. But the hospitals are the ones who have the role of negotiating fair pricing on behalf of the patients and other payers.

A New York hospital stated in a letter to me that many hospitals, patients, communities and Federal agencies are ''prevented from participating in an open and fair marketplace—culminating in inflated pricing and less than optimal cost effective health care.'' This hospital said that it has an annual health care supplies spend of approximately $300 million, and although the implantable items such as cardiac pacemakers and orthopedic implants represent only 3 percent of the total items the hospital buys, the expenditures are close to 40 percent of the total spend. Moreover, these devices are characterized by annual cost increases of from 8 percent to 15 percent. Since national sales of implant able devices are approximately $65 billion annually, with an expected growth in utilization of close to 20 percent, the potential of adding 8 to 15 percent annual price increases to the expenditures clearly demands attention.

A smaller health system in Jackson, MS, reports savings in 2006 of more than $10 million because it was able to get detailed objective and measurable information that neutralized the arguments from the vendors who were telling them that they were getting the best price. The National Partnership for Women and Families told me that consumers can learn more about the quality and price of a car than they can about these medical devices that are implanted in the body. The Pacific Business Group on Health, a collection of 50 of the Nation's largest purchasers of health care who spend billions of dollars annually to provide health care coverage to more than 3 million employees, retirees and dependents, also wrote to me that the critical strategy for improving the quality of our Nation's health care system is increasing its transparency.

The Transparency in Medical Device Pricing Act of 2007 would require medical device manufacturers, as a condition of receiving direct or indirect payments under Medicare, Medicaid, and SCHIP, to submit to the Secretary of Health and Human Services, on a quarterly basis, data on average and median sales prices for all implantable medical devices used in inpatient and outpatient procedures. Manufacturers would be subject to civil monetary penalties from $10,000 to $100,000 for failure to report or for misrepresentation of price data. The data would be available to the public on the website of the centers for Medicare and Medicaid Services.

Senator GRASSLEY and I believe this bill will improve the overall quality and efficiency of our health care system and will help ensure that health care programs administered or sponsored by the Federal Government, in particular, promote quality and efficient delivery of health care through 1. the use of health information technology; 2. transparency regarding health care quality and price; and 3. better incentives for those involved in these programs—physicians, hospitals, and beneficiaries. By making important information available in a readily useable manner and in collaboration with similar initiatives in the private sector and nonfederal public sector, we can help control government spending on health care. The rising cost of health care and health insurance is a problem for consumers, small business owners, large employers and union health and welfare funds. This bill says that if you want to do business with the Federal Government, you have got to show us your prices.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3449. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3404 proposed by Mr. SCHUMER (for himself and Mrs. HUTCHISON) to the 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.

SA 3450. Mr. HARKIN (for Mr. DEMINT) proposed an amendment to amendment SA 3325 proposed by Mr. HARKIN (for himself and Mr. SPECTER) to the bill H.R. 3043, supra.

TEXT OF AMENDMENTS

SA 3449. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 3404 proposed by Mr. SCHUMER (for himself and Mrs. HUTCHISON) to the 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 2 of the amendment, after line 11, insert the following:

SEC. 522. (a) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by section 521, is further amended by adding at the end the following:

''(5) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa recaptured from fiscal years 1996 and 1997 under this subsection to provide employment for an alien as a professional nurse, provided that—

''(i) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and

''(ii) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

''(I) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

''(II) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

''(B) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to this paragraph shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.''.

(b) CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS; DOMESTIC NURSING ENHANCEMENT ACCOUNT.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

''SEC. 832. CAPITATION GRANTS.

''(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

''(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

''(c) GRANT COMPUTATION.—

''(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

''(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

''(i) leads to a master's degree, a doctoral degree, or an equivalent degree; and

''(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

''(B) $1,405 for each full-time or part-time student who—

''(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

''(ii) has not more than 3 years of academic credits remaining in the program.

''(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

''(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

''(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

''(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

''(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

''(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

''(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—

''(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

''(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

''(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

''(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

''(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

''(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

''(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

''(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

''(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

''(i) the physical facilities at the school involved limit the school from enrolling additional students; or

''(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

''(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

''(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

''(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

''(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

''(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

''(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

''(F) Increasing enrollment of minority and diverse student populations.

''(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

''(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

''(I) Increasing integration of geriatric content into the core curriculum.

''(J) Partnering with economically disadvantaged communities to provide nursing education.

''(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

''(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

''(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

''(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—

''(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

''(2) not later than September 30, 2010, a final report on such results.

''(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 833, there are authorized to be appropriated such sums as may be necessary to carry out this section.

"SEC. 833. DOMESTIC NURSING ENHANCEMENT ACCOUNT.

''(a) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the 'Domestic Nursing Enhancement Account.' Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.

''(b) USE OF FUNDS.—Amounts collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000, and deposited into the account established under subsection (a) shall be used by the Secretary of Health and Human Services to carry out section 832. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.''.

(c) GLOBAL HEALTH CARE COOPERATION.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

''(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

''(2) to meet the continuous residency requirements under section 316(b).

''(b) DEFINITIONS.—In this section:

''(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—

''(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

''(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

''(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

''(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

''(A) has been lawfully admitted to the United States for permanent residence; and

''(B) is a physician or other healthcare worker.

''(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

''(d) PUBLICATION.—The Secretary of State shall publish—

''(1) not later than 180 days after the date of the enactment of this section, a list of candidate countries;

''(2) an updated version of the list required by paragraph (1) not less often than once each year; and

''(3) an amendment to the list required by paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).''.

(2) RULEMAKING.—

(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall promulgate regulations to carry out the amendments made by this subsection.

(B) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—

(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by paragraph (1)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: ''except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,''.

(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting '', including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''101(a)(27)(A),''.

(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting ''other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''Act,''.

(D) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

''Sec. 317A. Temporary absence of aliens providing health care in developing countries.''.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to U.S. Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(d) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

''(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

''(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

''(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

''(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

''(I) the obligation was incurred by coercion or other improper means;

''(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

''(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.''.

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary of Homeland Security shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act, as added by paragraph (1), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

SA 3450. Mr. HARKIN (for Mr. DEMINT) 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:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available under this Act may be used to purchase first class or premium airline travel that would not be consistent with sections 301–10.123 and 301–10.124 of title 41 of the Code of Federal Regulations.

AUTHORITY FOR COMMITTEES TO MEET

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 Tuesday, October 23, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

This hearing will examine the Surface Transportation Board's recent and ongoing efforts related to the commercial regulation of railroads, including rulemakings and recent cases. Witnesses will provide their perspectives on the STB and its effectiveness in balancing the commercial needs of railroads and their customers and will provide an update on the Government Accountability Office 2006 report reviewing the freight railroad 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 Tuesday, October 23, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The hearing is on the nomination of Mr. Todd J. Zinser, Inspector General—Designate, United States Department of Commerce; Mr. Robert Clarke Brown, Member of the Board of Directors—Designate, Metropolitan Washington Airports Authority; Mr. Carl B. Kress, Commissioner—Designate, Federal Maritime Commission; and Mr. A. Paul Anderson, Commissioner (Reappointment), Federal Maritime Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, October 23, 2007 at 10 a.m. in room 406 of the Dirksen Senate Office Building in order to hold a hearing entitled, ''Examining the human health impacts of global warming.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing entitled ''EEOICPA: Is the Program Claimant Friendly for Our Cold War Heroes?'' during the session of the Senate on Tuesday, October 23, 2007 at 10 a.m. in room 430 of the Dirksen Senate office building.

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 Tuesday, October 23, 2007, at 10 a.m. in order to conduct a hearing entitled ''Six Years After Anthrax: Are We Better Prepared to Respond to Bioterrorism?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on October 23, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–9

Mrs. FEINSTEIN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on October 23, 2007, by the President of the United States:

Protocol of Amendments to Convention on International Hydrographic Organization, Treaty Document No. 110–9.

I further ask unanimous consent that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol of Amendments to the Convention on the International Hydrographic Organization done at Monaco on April 14, 2005. The Protocol amends the Convention on the International Hydrographic Organization, which was done at Monaco on May 3, 1967, and entered into force for the United States on September 22, 1970 (TIAS 6933; 21 UST 1857; 752 UNTS 41). I am also transmitting, for the information of the Senate, the report of the Secretary of State on the Protocol.

The Protocol will facilitate the reorganization of the International Hydrographic Organization (IHO). The IHO, which is a technical and consultative international organization headquartered in Monaco, facilitates safe and efficient maritime navigation throughout the world. It accomplishes these objectives by facilitating the coordination of the activities of national hydrographic offices, promoting uniformity in the nautical charts and documents generated by such offices, encouraging the adoption of reliable surveying methods, and fostering the development of the science of hydrography. Reorganization of the IHO will result in a more flexible, efficient, and visible organization.

Ratification of the Protocol would serve important U.S. interests. United States commercial shipping, the United States Navy, and the scientific research community rely heavily on hydrographic information collected and shared under the auspices of the IHO. The United States plays an important leadership role in the IHO and as a result enjoys expeditious and economical access to this information. Moreover, the United States has committed more resources than any other country to research, development, and evaluation of hydrographic instruments and therefore stands to benefit significantly from the efficiencies generated by this reorganization.

Article XXI of the Convention sets forth the procedure for the approval and entry into force of amendments: amendments that are adopted or ''approved'' by the Conference enter into force for all Contracting Parties to the Convention 3 months after two-thirds of the Contracting Parties have notified the depositary of the their consent to be bound.

I recommend that the Senate give prompt and favorable consideration to the Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 23, 2007*.

MEASURES READ THE FIRST TIME—S. 2216 AND S. 2217

Mrs. FEINSTEIN. Mr. President, I understand that there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 2216) to amend the Internal Revenue Code of 1986 to extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation.

A bill (S. 2217) to amend the Internal Revenue Code of 1986 to extend the taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.

Mrs. FEINSTEIN. I now ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will receive their second reading on the next legislative day.

ORDERS FOR WEDNESDAY, OCTOBER 24, 2007

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m., Wednesday, October 24; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and the Senate then resume executive session and consideration of the Southwick nomination, with the time until 11 a.m. equally divided and controlled between the two leaders or their designees, and the time from 10:40 a.m. to 11 a.m. divided and controlled between the two leaders, with the majority leader controlling the final 10 minutes; that the Senate then proceed to vote on the motion to invoke cloture on the nomination at 11 a.m., as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow morning.

Thereupon, the Senate, at 9:28 p.m., adjourned until Wednesday, October 24, 2007, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

JAMES SHINN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF DEFENSE. (NEW POSITION)

DEPARTMENT OF TRANSPORTATION

ROBERT A. STURGELL, OF MARYLAND, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS, VICE MARION C. BLAKEY, TERM EXPIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

ANNE H. AARNES, OF VERMONT
HILDA MARIE ARELLANO, OF TEXAS
DAWN M. LIBERI, OF FLORIDA
KAREN DENÉ TURNER, OF THE DISTRICT OF COLUMBIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

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ERNA WILLIS KERST, OF THE DISTRICT OF COLUMBIA
HOWARD JEFFREY SUMKA, OF MARYLAND
LEON S. WASKIN, JR., OF FLORIDA
PAUL E. WEISENFELD, OF THE DISTRICT OF COLUMBIA
SUSUMU KEN YAMASHITA, OF FLORIDA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

JENNIFER ADAMS, OF NEW YORK
JOHN A. BEED, OF MARYLAND
BETH ELLEN CYPSER-KIM, OF NEW YORK
THOMAS R. DELANEY, OF PENNSYLVANIA
DONA M. DINKLER, OF VIRGINIA
GARY FLYNN FULLER, OF CALIFORNIA
LAWRENCE HARDY II, OF WASHINGTON
MICHAEL T. HARVEY, OF TEXAS
JAMES M. HARMON, OF MARYLAND
EDITH FAYSSOUX JONES HUMPHREYS, OF FLORIDA
BROOKE ANDREA ISHAM, OF WASHINGTON
DAVID LEONG, OF VIRGINIA
BOBBIE E. MYERS, OF FLORIDA
CHARLES ERIC NORTH, OF VIRGINIA
MARTHA ERIN SOTO, OF VIRGINIA
DENNIS J. WELLER, OF ILLINOIS
MELISSA ANN WILLIAMS, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

PAMELA E. BRIDGEWATER, OF MARYLAND
STEVEN A. BROWNING, OF TEXAS
JEREMY F. CURTIN, OF MARYLAND
DANIEL FRIED, OF CALIFORNIA
FRANCIS JOSEPH RICCIARDONE, JR., OF NEW HAMPSHIRE

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

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BETSY LYNN ANDERSON, OF VIRGINIA
CLAUDIA E. ANYASO, OF THE DISTRICT OF COLUMBIA
EDMUND EARL ATKINS, OF CALIFORNIA
JOYCE A. BARR, OF WASHINGTON
KEVIN MICHAEL BARRY, OF VIRGINIA
LESLIE ANN BASSETT, OF CALIFORNIA
DONNA M. BLAIR, OF LOUISIANA
ANNE TAYLOR CALLAGHAN, OF VIRGINIA
ARNOLD A. CHACÓN, OF NEW YORK
MICHAEL HUGH CORBIN, OF CALIFORNIA

GENE ALLAN CRETZ, OF NEW YORK
MICHAEL JOSEPH DARMIENTO, OF VIRGINIA
JONATHAN D. FARRAR, OF CALIFORNIA
PHILIP S. GOLDBERG, OF NEW YORK
GARY A. GRAPPO, OF FLORIDA
CHARLES H. GROVER, OF NEW HAMPSHIRE
DAVID M. HALE, OF NEW JERSEY
ROBERT PORTER JACKSON, OF VIRGINIA
TRACEY ANN JACOBSON, OF THE DISTRICT OF COLUMBIA
STUART E. JONES, OF PENNSYLVANIA
PETER GRAHAM KAESTNER, OF FLORIDA
SUSAN E. KEOGH, OF CALIFORNIA
NABEEL A. KHOURY, OF NEW YORK
LISA JEAN KUBISKE, OF VIRGINIA
JOSEPH ESTEY MACMANUS, OF NEW YORK
HAYNES RICHARDSON MAHONEY III, OF MASSACHUSETTS
M. LEE MCCLENNY, OF WASHINGTON
NANCY E. MCELDOWNEY, OF FLORIDA
CHRISTOPHER J. MCMULLEN, OF THE DISTRICT OF COLUMBIA
JAMES DESMOND MELVILLE, JR., OF NEW JERSEY
WILLIAM H. MOSER, OF FLORIDA
SANDRA M. MUENCH, OF FLORIDA
ANTHONY MUSE, OF TENNESSEE
GERALDINE H. O'BRIEN, OF MASSACHUSETTS
JAMES A. PAIGE, OF OHIO
ISIAH L. PARNELL, OF FLORIDA
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PAUL EDWARD ROWE, OF VIRGINIA
LARRY SCHWARTZ, OF WASHINGTON
JUSTINE M. SINCAVAGE, OF PENNSYLVANIA
JAY THOMAS SMITH, OF INDIANA
BARBARA J. STEPHENSON, OF FLORIDA
AGU SUVARI, OF RHODE ISLAND
TEDDY B. TAYLOR, OF MARYLAND
DONALD GENE TEITELBAUM, OF VIRGINIA
MARGARET A. UYEHARA, OF VIRGINIA
JAMES B. WARLICK, JR., OF CALIFORNIA
KEVIN MICHAEL WHITAKER, OF VIRGINIA
MARY JO WILLS, OF VIRGINIA
MARIE L. YOVANOVITCH, OF CONNECTICUT

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

GREGORY ADAMS, OF ARIZONA
SUSAN ELAINE ALEXANDER, OF WASHINGTON
RICHARD HANSON APPLETON, OF CALIFORNIA
MICHAEL LEE BAJEK, OF TEXAS
ROBERT DAVID BANKS, OF VIRGINIA
JOHN R. BASS II, OF NEW YORK
ROBERT STEPHEN BEECROFT, OF CALIFORNIA
ROBERT I. BLAU, OF VIRGINIA
THURMOND H. BORDEN, OF TEXAS
PHILIP JACKSON BREEDEN, JR., OF CALIFORNIA
MATTHEW J. BRYZA, OF CALIFORNIA
PIPER ANNE-WIND CAMPBELL, OF NEW YORK
THOMAS H. CASEY, JR., OF NEW JERSEY
KAREN LISE CHRISTENSEN, OF VIRGINIA
ROBERT JOHN CLARKE, OF FLORIDA
JOHN ALAN CONNERLEY, OF CALIFORNIA
THOMAS FREDERICK DAUGHTON, OF NEW YORK
ROBERT RICHARD DOWNES, OF TEXAS
SUSAN MARSH ELLIOTT, OF VIRGINIA
LAURA PATRICIA FAUX-GABLE, OF VIRGINIA
JULIE A. FURUTA-TOY, OF CALIFORNIA
GONZALO ROLANDO GALLEGOS, OF TEXAS
PEGGY ANN GENNATIEMPO, OF WASHINGTON
THOMAS HENRY GOLDBERGER, OF NEW JERSEY
ROBERT DANIEL GRIFFITHS, OF NEVADA
EVA JANE GROENING, OF NEW JERSEY
TED WILLIAM HALSTEAD, OF VIRGINIA
D. BRENT HARDT, OF FLORIDA
CLIFFORD AWTREY HART, JR., OF VIRGINIA
FRANCISCA THOMAS HELMER, OF CALIFORNIA
SIMON HENSHAW, OF MASSACHUSETTS
LESLIE C. HIGH, OF PENNSYLVANIA
ANTHONY ALONZO HUTCHINSON, OF WASHINGTON
DOROTHY SENGER IMWOLD, OF FLORIDA
TINA S. KAIDANOW, OF NEW YORK
ANN N. KAMBARA, OF CALIFORNIA
DAVID JOEL KATZ, OF WASHINGTON
NEIL R. KLOPFENSTEIN, OF IOWA
CHRISTOPHER A. LAMBERT, OF VIRGINIA
JOHN CHARLES LAW, OF VIRGINIA
FRANK JOSEPH LEDAHAWSKY, OF NEW JERSEY
LEWIS ALAN LUKENS, OF VERMONT
CAROL LYNN MACCURDY, OF VIRGINIA
KEVIN K. MAHER, OF VIRGINIA
JOHN A. MATEL, OF WASHINGTON
ROBIN HILL MATTHEWMAN, OF WASHINGTON
MATTHEW JOHN MATTHEWS, OF VIRGINIA
LOUIS MAZEL, OF NEW HAMPSHIRE
MICHAEL WILLIAM MCCLELLAN, OF KENTUCKY
KENNETH H. MERTEN, OF VIRGINIA
LAWRENCE MIRE, OF CALIFORNIA
MICHAEL CHASE MULLINS, OF NEW HAMPSHIRE
RICHARD WALTER NELSON, OF CALIFORNIA
VIRGINIA E. PALMER, OF VIRGINIA
ROBERT PATTERSON, OF PENNSYLVANIA
CLAIRE A. PIERANGELO, OF CALIFORNIA
H. DEAN PITTMAN, OF MISSISSIPPI
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EXTENSIONS OF REMARKS

HEARING ON ''URANIUM CONTAMINATION IN THE NAVAJO NATION''

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. KUCINICH. Madam Speaker, I submit for the RECORD a copy of my opening statement delivered before the Committee on Oversight and Government Reform on October 23, 2007 on Uranium Contamination.

I want to thank and commend the Chairman for holding this hearing. Native Americans have borne a disproportionate burden of the toxic legacy from this country's pursuit of nuclear weapons and nuclear power. This is a topic that has been important to me for a long time. In this classic environmental justice story, we can see how long disadvantaged peoples have been burdened with inhumane levels of contamination. And we see how long it can take just to begin to undo the damage that such contamination brings.

The stories we will hear today will also make clear that quests for power—be they political or electrical—have no respect for life and exact an unacceptable cost to human health and the environment. The EPA guesses there are about 520 abandoned uranium mines in the Navajo nation and 1,200 abandoned mines in the area. The Navajo nation is home to 5 old uranium mills. Each of the mill sites and the mine sites represent a potential groundwater contamination site in addition to being sources of air and soil contamination.

There are many potential exposure routes. Children play in the water that accumulates in the radioactive tailing piles. Homes and hogans are built out of materials that are radioactive. Wind-blown dust from the tailings is inhaled. Groundwater is contaminated with uranium and its daughter products. Wildlife and plantlife concentrate the contamination and become food for other wildlife or for Navajo living off the land.

Uranium can be toxic in two ways. First, its properties as a chemical confer an ability to irreversibly destroy parts of the kidney when acting in isolation. But, like lead and mercury, it is a metal which interacts with uranium in the human body. Native Americans are known to experience disproportionately high levels of lead poisoning. And when uranium and lead both make their way into a person, the toxic effect on the kidney could be additive or even synergistic.

Uranium is also toxic because it naturally decays into other elements like radium, thorium and radon, each of which is also radioactive. Radon alone is the number two cause of lung cancer in the U.S. behind smoking.

The industrial process of extracting and concentrating uranium uses a host of other highly toxic compounds like various acids and cyanide, which are common mine tailing contaminants. And of course there are the other elements that co-occur with uranium like arsenic and fluoride which are left behind when the uranium is refined. Each of these compounds bears its own list of health effects. And each combination of two or three or more of these compounds brings their own set of health effects. It could take generations just to completely understand the health effects of the contamination at all of these sites in question.

Making things worse, it is a formidable challenge just to understand the magnitude of the contamination—so much so, it hasn't even been done yet. No comprehensive review of groundwater contamination at all of the mine sites has been done. No comprehensive review for the presence of elevated levels of radiation in Navajo houses has been done even though dozens are known to have been built with radioactive materials. No comprehensive review of the health effects of the contamination from the mines and mills has been done. There is no way we can begin to address the problem if we can't define it.

One estimate I've heard is that the entire cleanup could cost around $500 million. That seems unrealistically low. Efforts just to clean up the groundwater at three of the old mill sites on the Navajo nation are predicted to take 20 years. Already, the contamination has spanned generations and will span many more if we continue the current pace of cleanup.

Some effects can't be cleaned. Before the mines were opened, the Navajo way of life was heavily dependent on natural resources, which fostered a healthy respect for their environment. Not only did they rely on it for clean water and abundant food, but they incorporated it into their customs, their religion, and their way of life. Carol Markstrom and Perry Charley pointed out in their chapter of The Navajo People and Uranium Mining, that the contamination of livestock, of the medicinal herbs they used, and the water bodies their children played in, changed the view of the land. It was embraced and used as the conceptual center for their way of life. After the contamination, they feared it. It is hard to imagine how destabilizing it would be if we thought radioactive contamination permeated all that we rely on to be clean and safe.

Now, almost 60 years after the first uranium contamination began, there are corporations who want to reopen some of these very same mines and extract more uranium for nuclear power plants.

Never mind the contamination already created that we're still trying to define, let alone clean up. Never mind the permanent social damage inflicted by this contamination. Never mind that nuclear power is nowhere near economical. Never mind the lack of a viable and safe storage facility for the waste that will continue to be toxic for thousands of years.

I look forward to hearing from our witnesses about plans for cleaning up the contamination in shortest possible timeframe. And I stand ready to do whatever I can to not only help this process along, but to make sure we don't do anymore damage by failing to learn our lessons from the past.

IN MEMORY OF FLAVE CARPENTER

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Flave Joseph Carpenter Sr., formerly of Arkadelphia, Arkansas, who passed away October 15, 2007, at the age of 89.

Flave Carpenter spent his lifetime dedicated to his family, his community and his country. He was born in Clark County and his affinity for the region he called home can be measured by the enormous contributions he made to all the people and organizations he championed throughout his long life. He lived life to the fullest and would always say yes when he was called upon to help.

Flave Carpenter spent 28 years serving in the military, which encompassed tours in World War II and Korea where he was honored with multiple decorations including two Purple Hearts, two Bronze Stars and a Silver Star. Upon retirement, he returned to Arkadelphia where he took his enthusiasm for serving his country and shifted it into public service. Over the years, he gave everything he had to the city of Arkadelphia and Clark County by serving as the executive director of several local businesses and organizations. He was appointed by then-Governor Dale Bumpers to the Arkansas Parks and Recreation Commission and was later elected chairman of the Arkansas Chamber of Commerce Directors. His passion for public service was rewarded in 1984 when then-Governor Bill Clinton inducted him into the Arkansas Parks and Tourism Hall of Fame. In 2002, he received the esteemed Lifetime Leadership in Economic Development recognition by the Arkansas Economic Developers.

In addition to his civic leadership, Flave Carpenter was also a man of devout faith. He was a member of the First Presbyterian Church where he served as deacon and elder. He also enjoyed the outdoors and the camaraderie that came with hunting, experiencing nature and the numerous recreational opportunities the State of Arkansas offered.

I send my deepest condolences to his three children, Diane McKenzie of Colorado Springs, Colorado, Jan Davis of Brazil, South America, and Flave Carpenter Jr., of Searcy; his sister Carolyn Jane Berry of Arkadelphia; and to his numerous grandchildren, great-grandchildren, nieces, nephews and friends. Flave Carpenter will be greatly missed in Arkadelphia, Clark County and throughout the state of Arkansas, and I am truly saddened by this loss.

THE FUTURE OF MEDICARE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. KUCINICH. Madam Speaker, I submit for the RECORD a copy of my speech delivered at the summit on the future of Medicare on October 19, 2007.

Good afternoon. I want to thank each of you for coming to discuss one of the issues that reflects the values of this country—health insurance for retirees and the disabled. I want to especially thank the Senior

Voice Coalition, a group of organizations and passionate individuals who are truly the grassroots leaders in organizing around issues affecting seniors in our community. Before I begin, please know that while there are many issues of importance, we will only be talking about Medicare at this summit today. If there are other issues on your mind, I would be happy to discuss them with you if there is time after.

Many of you recall that I held 13 town hall meetings in 2005 during the Social Security privatization debate. At these town halls, I presented detailed information on the reasons why I rejected the notion advocated by the President and some in Congress that there was a ''crisis'' in the solvency of the combined Old Age, Survivors, and Disability Insurance Trust Fund. We were told that to correct this manufactured crisis, the best solution was to privatize Social Security. Even if there was a ''crisis,'' which did not actually exist, according to both the Social Security Administration and the Congressional Budget Office, the worst solution would be to drain the trust fund more quickly and therefore undermine the entire program.

Folks, we are on the verge of a very similar debate today with Medicare, our nation's other social insurance program. There is a symbiotic relationship between Social Security and Medicare. But unlike with Social Security, much of Medicare has already been privatized. Today I want to explore that with you by looking at two different Medicare programs that have been the cornerstones of efforts to privatize Medicare to see how they have performed. First, we'll look at the Medicare prescription drug plan, also known as ''Part D,'' which leaves enrollees no choice but to go through the extraneous insurance companies. Second, Medicare Advantage shoehorns in the option to have private insurance industry middlemen to dole out health care according to what is profitable.

PART D

In 2003 came the single biggest Medicare privatization effort to date, the Medicare Modernization Act. It passed the House of Representatives only because the then-Majority party held open a 15 minute vote for over three hours in the middle of the night so they could strong-arm their way to a passing vote. Not only did it create an entirely private, chaotic prescription drug program, but it also dramatically increased subsidies to Medicare Advantage plans.

Several of us in Congress warned of what we were buying into with Part D. We warned against the forced inclusion of the unnecessary middleman—the insurance industry—and its likely effects on cost and access to meds. We warned about CMS' inability to negotiate drug prices like the VA does. We warned of a benefit that was far too complex. We warned of the now famous doughnut hole that left people without coverage for a period of time even though they were still paying premiums. We supported a bill that created a new prescription drug benefit that did away with all those problems by keeping the insurance industry out of the benefit and letting Medicare administer it.

As you know, we were not alone in our fight. At the time, the Center for Economic and Policy Research released a study showing that even if we took the modest step of allowing Medicare to negotiate drug prices, we would save so much money that we would be able to cover every single beneficiary with no co-payments, no deductibles, and no premiums . . . and still have $40 billion dollars left.

Oversight and Government Reform Committee report on Part D.—I am sad to say that we were right. Just this Monday, the Committee on Oversight and Government Reform released a study, which was requested by a handful of my colleagues and me, on the performance of Part D so far. It found three things. First, it confirmed the most obvious concern; that administrative costs are far higher than they should be. This was expected because of the forced inclusion of the insurance industry in the benefit. The insurers reported administrative expenses, sales costs, and profits of almost $5 billion in 2007—including $1 billion in profits alone. The administrative costs of the privatized Part D program are almost six times higher than the administrative costs of the traditional Medicare program.

The second finding was that the insurance industries were not doing a good job of negotiating with the pharmaceutical companies to lower prices. One of the main rallying cries of the Part D privatization effort was that the private insurers could be more effective negotiators than Medicare. Turns out to not be true. Now, instead of negotiating for lower prices, the insurers negotiate for rebates from the drug companies, which is what the Part D law calls for. The committee investigation found that drug price rebates negotiated by the insurers reduce Medicare drug spending by just 8.1 percent. In contrast, rebates in the Medicaid program reduce drug spending by 26 percent, over three times as much. Because of the difference in the size of the rebates, the transfer of low-income seniors from Medicaid drug coverage to Medicare drug coverage will result in a $2.8 billion windfall for drug manufacturers in 2007. Furthermore, the insurers receive no rebates or other manufacturer discounts for three-quarters of the drugs used by seniors.

And the third finding was that when insurers do actually get a rebate from the drug companies, rather than passing the savings on to seniors in the form of lower prices, they keep the money for themselves! This year alone, the private insurers will receive $1 billion in rebates on purchases that seniors pay for out of their own pockets, thanks to the doughnut hole. But beneficiaries continue to pay premiums.

Unpredictability in Part D.—Another problem with Part D as it has been implemented is that stability is lost. Much like with corporate pension scandals, instead of receiving a guaranteed benefit, those enrolled in Medicare Part D only receive a guaranteed bill to pay. Instead of being able to have peace of mind when it comes to whether or not drugs prescribed by a doctor will actually be covered, a state of financial nervousness and uncertainty is par for the course with Medicare Part D. A consumer's Union study found that most insurers raise the cost of their drugs during the year—in one case by 28 percent. The same uncertainty is present in predicting which month beneficiaries will hit the doughnut hole and be forced to pay all your drug costs as if you had no benefit at all.

Clearly, Part D is more of a benefit for the pharmaceutical and insurance industries than retirees and the disabled. The Part D provisions of the Medicare bill alone guaranteed $139 billion in guaranteed profits for the pharmaceutical industry, which amounts to 61 percent of the total spending in the bill for prescription drugs, according to Boston University School of Public Health. Even so, Part D is not where the real money is. The real money is in the Medicare Advantage, the HMOs, PPOs, PFFSs and other alphabet soup of private plans offered through Medicare as an alternative to traditional Medicare. I'd like to talk a bit about these plans now.

MEDICARE ADVANTAGE

Medicare Advantage plans have been in existence for several years now, but the 2003 Medicare Modernization Act has drastically accelerated privatization. Lets take a look at how the plans have done, starting with how they deal with customers. I'll start with their efforts to sign you up and then we'll see how they treat you after you're already on the plan and are requesting coverage.

Marketing.—An October 7 article in the New York Times conducted their own review of 91 federal audits of privately run Medicare plans—both Medicare Advantage Plans as well as Part D plans. They found that ''tens of thousands of Medicare recipients have been victims of deceptive sales tactics.'' They also found that ''since March, Medicare has imposed fines of more than $770,000 on 11 companies for marketing violations and failure to provide timely notice to beneficiaries about changes in costs and benefits.'' I want to read you two other quotes from that article to round out the picture. ''In July, Medicare terminated its contract with a private plan in Florida after finding that it posed an 'imminent and serious threat' to its 11,000 members.'' ''Medicare officials said that compliance problems occurred most often in two areas: marketing, and the handling of appeals and grievances related to the quality of care.'' That stands to reason since that is where the profit is made.

Humana is a good case study. Humana, which is the second-largest provider of Medicare Advantage plans, was required to fulfill corrective action plans for 300 different violations. The Center for Medicare and Medicaid Services or CMS administers Medicare. Their audit results for Humana included findings that marketing agents were not trained or supervised, enrollees were not informed of changes to plan formularies (list of covered drugs), and enrollees were not provided with explanations for claims denials or appeal rights when their claims had been denied. This is the same company that gained 4 million new policy holders and reported to stockholders in April that it had amassed ''record- breaking revenues,'' according to an article in ''The Nation.'' Keep in mind that this company pays its agents a commission five times greater for enrolling individuals into their Medicare Advantage plan than the commission they receive for enrolling them into a stand-alone prescription drug plan. Similar arrangements are true for other leading insurers like United Health Care, Aetna, and Blue Cross and Blue Shield. But why would they do that?

Big insurance companies are quite eager to sign up people for Part D plans. But Part D plans are nothing compared to the profit to be made in Medicare Advantage. So insurers offer low price Part D plans in order to get their foot in the door with those who were on traditional Medicare. Then they aggressively marketed their Medicare Advantage plans, too often using the unscrupulous tactics I just described. Such marketing tactics are especially effective when the plans are so complex, the customer is easily fooled. In Humana's case, the tactics worked. They were a relatively small company before the prescription drug plan and the Medicare Advantage push. But they were able to get 100,000 people to move to Medicare Advantage plans. An insurance consultant said ''an additional 100,000 people contributing to top line revenue is not insignificant—it's an extra billion dollars.''

Customer Service.—Now that's just the marketing. What do they do when they have you? The New York Times article found that both Medicare Advantage and Part D enrollees ''had claims improperly denied by private insurers.'' Some examples of other problems found include ''the improper termination of coverage for people with H.I.V. and AIDS, huge backlogs of claims and complaints, and a failure to answer telephone

calls from consumers, doctors and drugstores.''

WellPoint, an Indianapolis-based company that covers 360,000 members under Medicare, had a backlog of 354,000 claims under its Medicare plans. Auditors logged an average wait time of 27 minutes to answer enrollee phone calls and a 16-minute wait time to respond to provider calls. Of the more egregious offenses, Sierra Health, based in Las Vegas, wrongfully terminated drug coverage for 2,300 HIV-positive Medicare Advantage enrollees, improperly claiming they had defaulted on plan premiums.

Fewer options, not more.—Medicare Advantage advocates often speak of the greater choice in their plans as opposed to traditional Medicare. I don't think you can have more choice than to be able to choose from any doctor, which is the case with traditional Medicare, but we'll take a look anyway.

As with Part D plans, there are countless stories of beneficiaries seeing changes to their plan midyear, including cost increases, dropping certain drugs from formularies, or doctors dropping out from frustration with the plans. In fact, Medicare Advantage plans talk a lot about their extensive network of doctors but customers frequently find that when try to go to one, the docs won't take Medicare Advantage customers. Many doctors don't like it because of the low pay and because of the insurance industry second-guessing their diagnoses and choices for providing care. Even though all these changes can be made at any time in the enrollment cycle, beneficiaries can only switch plans once per year.

Some argue that Medicare Advantage offers a better quality of care than traditional Medicare. The Congressional Budget Office disagrees, stating ''though Medicare Advantage plans cost more than care under the fee-for-service program does, on average, they would be more cost-effective if they delivered a sufficiently higher quality of care . . . The limited [quality] measures available suggest that Medicare Advantage plans are not more cost-effective than the fee-for-service program.''

Those enrolled in Medicare agree, as traditional Medicare beneficiaries are less likely to have problems accessing specialists, according to MedPAC.

Out of pocket costs.—Medicare Advantage insurance companies make money when they shift the costs onto you and me. One of the ways they do that is by providing incomplete insurance or underinsurance. They can offer meager coverage in specific unnoticeable areas that only matter if you get the illness that isn't covered well. Because Medicare Advantage plans are not required to be standardized—meaning different companies are not required to offer the same plan structure and compete only for price—these companies can skew their plans to maximize their profits and decrease benefits. One tragic result is that people in more need of services, especially those in need of physician-administered chemotherapy drugs and dialysis services, pay more under Medicare Advantage than they would under traditional Medicare for less service, Their out-of-pocket costs are unexpectedly and dangerously high. This is one of the biggest health care problems that we don't hear enough about. About half of all bankruptcies in this country are related to medical bills. Of those medical bankruptcies, 75 percent of the people had insurance before they got sick. But because their insurance still allowed them to go bankrupt, it was clearly lacking. Profitable, but lacking.

For those of you that have seen Sicko, the Michael Moore movie about health care, you know that another way insurance companies make money is to deny benefits, which is done in spades under Medicare Advantage. The Medicare Rights Center who collects many Medicare Advantage complaints told the story of an 80 year old man enrolled in a private Medicare plan called HealthSpring. He had a heart attack and went to the hospital. All of his claims were denied because he didn't get prior authorization from the plan to enter the hospital. His hospital bills now top $87,000 dollars.

Propping Medicare Advantage up.—You would think that since Medicare Advantage beneficiaries are getting such an inferior product, that it would cost less. It is not so. As with Part D, Medicare Advantage is far more costly than traditional Medicare. Both the Medicare Payment Advisory Commission (MedPAC) and the Congressional Budget Office (CBO) report that for 2007, it costs taxpayers 12 percent more (on average) to cover beneficiaries enrolled in private Medicare Advantage Plans than under traditional Medicare. That is an extra $149 billion over 10 years. The Chief Medicare Actuary has said that the beneficiary enrolled in traditional Medicare pays an extra $24 per person this year because of overpayments to Medicare Advantage. This overspending also cuts years off the life of the Medicare trust fund and diverts money away from hospital and acute care services, While the Social Security trust fund can pay 100 percent of benefits until at least the year 2041 without any changes whatsoever, the Medicare Hospital Insurance (or HI) Trust Fund can pay 100 percent of claims only until the year 2019, based on current actuarial assumptions, in large part because of privatization.

Not only is the program inefficient, but it is growing steadily. According to the Congressional Budget Office, 18 percent of current Medicare beneficiaries are enrolled in a Medicare Advantage plan. This number is expected to increase to 26 percent by 2017. The biggest growth—about 650 percent since 2005—has been in enrollees in the private fee for service plans which have enjoyed exclusive access to major subsidies from Congress as well as exceptions to standards of quality care. Unfortunately, the fastest growing type of plan is also the least efficient of all Medicare Advantage plans. They cost, on average, 19 percent more than traditional fee for service Medicare. Where does all that money that should go to health care, actually go? MedPAC found that half of the overpayments go directly to profits, marketing, and administrative costs. That's worth repeating. Half of the overpayments go directly to profits, marketing, and administrative costs.

These private fee for service plans aren't the only ones to get corporate welfare. The PPO ''stabilization'' fund is a slush fund designed to encourage growth of new regional PPOs of 10 billion dollars over 10 years. That's in addition to general subsidies for Medicare Advantage plans. But in 2006, 88 percent of beneficiaries had access to a regional PPO. So subsidies for growth are unnecessary. Even MedPac recommended eliminating the slush fund.

I mentioned earlier that Medicare Advantage Plans are lucrative for insurance companies. UnitedHealthcare will make about 11 percent of its net income for 2007 from Medicare Advantage. That number is 66 percent for Humana. Between 2005 and 2006, when a lot of these subsidies took effect, United and Humana saw increases in revenue of over 50 percent. WellPoint saw an increase of 27 percent. When there is so much money at stake, it is very cost effective to have not only a big marketing push, but also a strong lobbying army to make sure your Congressional subsidies don't go away. That is what they do.

GENERAL DISCUSSION

There is a race in the health insurance world to determine who can provide the lowest quality benefits for the highest possible cost that consumers, companies, and the government will accept.

Seniors and disabled individuals who have contributed to Medicare from a lifetime of work deserve to have simple, clearly defined benefits which do not change from month to month, year to year. We should not be paying companies exorbitant administrative costs and overpayments that maximize profit margins in order to put beneficiaries, benefits at risk. All of this is the case with the private Medicare Advantage and Medicare Part D, and it should be stopped.

The best, most efficient way to ensure all Medicare beneficiaries will always have real, reliable, and complete benefits is to end private involvement in Medicare. That's why I, along with John Conyers of Michigan, coauthored the Expanded and Improved Medicare for All Act, H.R. 676, back in 2003. HR 676 captures the enormous savings to be had if Americans had health care provided through Medicare and uses them to cover everyone for all medically necessary services with no copayments, no deductibles and no premiums. This bill would strengthen Medicare by removing the for-profit interests, decrease the financial burden to beneficiaries, and increase the quality of care—all without the confusing maze that privatized Medicare has become today. There is enough money that America spends in health insurance and health care today to cover everybody. Every year, $2.2 trillion is spent, and only about 69 cents out of every dollar actually goes to providing health care services. We are all paying for universal health coverage, we just aren't getting it.

Congress will be required to hold hearings on and propose changes to Medicare due to the financial situation of the program which privatization has created. I intend to use this opportunity to emphasize the best, most comprehensive, and most cost efficient way to strengthen benefits for those enrolled in Medicare—H.R. 676.

What's happening in Washington.—Many of you know an early version of a bill to provide health insurance to millions of children through a program called SCHIP, also called for cuts to one of Medicare Advantage slush funds I mentioned earlier. I supported that bill but the insurance industry mounted an expensive and aggressive lobbying campaign that ensured their slush fund stayed in place. Now there is talk of using that slush fund money to pay for maintaining Medicare payments to doctors as opposed to allowing scheduled cuts of about 10 percent to take place.

H.R. 676 now has 85 cosponsors and is the only national health care reform bill that has an entire national movement behind it. There are two national non-profit organizations and several regional organizations devoted to its passage. And it has the official backing of 93 Central Labor Councils, including several Cleveland and Ohio unions as well as cities and states across the nation.

There is the possibility of implementing an interim measure of providing a prescription drug benefit that gets rid of the insurance companies and lets the benefit be administrated by Medicare. Doing so would clearly lower costs, increase access and increase quality. But I would like to hear what you think of that idea. Would people be willing to give up their privatized plans for more plans that give greater security and coverage?

And while I'm asking for your input, I'd like to ask you about another related issue that has recently come up. As I understand

it, Ohio Public Employees Retirement System (OPERS) has announced that it will shift from offering two traditional Medicare plans to offering one traditional Medicare plan and one Medicare Advantage plan. I am concerned about this choice and would like to hear from you about it.

I know you all have been waiting for the opportunity to ask questions and share your comments, so let's transition to that right now.

IN MEMORY OF EARL PATY, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of my dear friend Earl Paty, Jr., of Sheridan, Arkansas, who passed away October 17, 2007, at the age of 76.

Earl Paty, Jr., was a lifelong resident of Grant County where he built a solid foundation of community service that impacted countless lives and will forever be remembered by all who knew him. Whether serving others during his 40-year career at International Paper Co., or through his involvement with numerous local and state organizations, he devoted his lifetime to selflessly giving back to the citizens of Grant County and the State of Arkansas to make the world a better place.

Earl Paty, Jr., was a devout man of faith and a member of Moore's Chapel United Methodist Church. He took great pride in serving the church and congregation on the Administrative Board, as a Sunday School teacher and as a delegate to the Arkansas Annual Conference. He even rose to the level of becoming a certified lay speaker within the United Methodist Church. In addition, he was actively involved with numerous local organizations where he devoted his time and heartfelt energies to others. These included the Grant County Fair Board, the Grant County 4–H Club, the Southeast Arkansas District Development Cooperative and the Sheridan Masonic Lodge.

Perhaps my fondest memories of Earl Paty, Jr., are the many discussions we had over the years about politics, as he well understood how a career in public service could positively affect the lives of thousands. I always admired his fervor for politics which took him up the ladder from chairman of the Grant County Democratic Party to the Executive Director of the Senior Democrats of Arkansas. His contributions to the Democratic Party were recognized in 2003 when he was honored with the distinguished Harold Jinks Democratic Memorial Award. In fact, it was Earl Paty, Jr., who inspired me, through his passion and love of politics and public service, to seek elected office and run for the seat I now hold as U.S. Representative of Arkansas's Fourth Congressional District. For that, I am forever grateful. He was a man I truly looked up to and admired and I am blessed to have been able to call Earl a dear friend.

I send my deepest condolences to his wife of 53 years, Betty Sue Autrey Paty; his children Patricia Knighten, David Paty, and Leslie Tannahill; his two sisters Sue Walker and Faye Welch; and his nine grandchildren, two great grandchildren and numerous nieces and nephews. Earl Paty, Jr., will be greatly missed in Sheridan, Grant County and throughout the state of Arkansas, and I am truly saddened by this loss.

FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

The House in Committee of the Whole House on the State of the Union 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:

Mr. REYES. Mr. Chairman, I rise today in strong support of H.R. 2095 the Federal Railroad Safety Improvement Act of 2007. This bill, introduced by my colleague Chairman JAMES L. OBERSTAR, provides a long-overdue reauthorization and reorganization of the Federal Railroad Administration. I am proud to count myself as a cosponsor of this legislation.

My district of El Paso has a rich history with the railroad industry. Following the arrival of the railroads in 1881, El Paso experienced enormous economic growth due in part to the railroad connections in the area. Today, my city's connections to the industry persist, and hundreds of my constituents go to work in the rail yards and along the tracks every day. Rail workers and the Americans who live near rail operations deserve the highest level of safety, and the Federal Railroad Safety Improvement Act provides just that.

Roughly 40 percent of all train accidents are the result of human factors, and, of this startling number, one in four results from fatigue. This bill will set new hours-of-service for our railroad workers and will help ensure they follow proper rest and shift periods. Under the proposed measures, personnel would receive at least 10 hours of rest per 24-hour period and would ultimately be limited to no more than 12 consecutive hours of shift work. The bill would also nearly double the number of rail safety inspection and enforcement staff. These changes would hopefully reduce the number of accidents caused by human error and fatigue and would help ensure safer working conditions for the approximately 1,100 rail workers of El Paso and across the United States.

In addition, H.R. 2095 would reorganize the Federal Railroad Administration (FRA) and rename it the Federal Railroad Safety Administration (FRSA). Over the 4-year period from 2007 to 2011, the FRSA would authorize $1.1 billion for general expenses and grant programs. This legislation has taken into account many of the safety investigations and recommendations of the Department of Transportation, especially regarding human fatigue, defective tracks, and railroad crossings. With the reauthorization of this funding, I am confident that great strides will be made to improve the safety of the railroad industry in the United States.

Mr. Chairman, I ask that my colleagues join me in supporting this important legislation so that substantial improvements in Federal railroad safety can be made nationwide.

IN REMEMBRANCE OF J. ROY GABRIEL

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. COSTA. Madam Speaker, I rise today to honor the life and dedication of Mr. J. Roy Gabriel, director of labor affairs for the California Farm Bureau Federation and chief operating officer of the Farm Employers Labor Service. Roy passed away suddenly this month in our Nation's Capital while representing the agricultural community on the issues he found most near and dear to his heart. His service and commitment to California agriculture and his passion and joy for life will be sorely missed.

A native of southern California, Roy attended California Polytechnic University, San Luis Obispo where he earned a degree in Agricultural Business Management and a technical certificate in crops production. Armed with this knowledge and a love for farming, Roy became active in local politics, honing his negotiating skills. In 1973, he joined the California Farm Bureau as a legislative assistant and began his life long commitment to the betterment of agriculture in California. Recognizing Roy's breadth of experience and political prowess, Gov. Pete Wilson appointed Gabriel in 1998 to serve as chief deputy director of the California Department of Industrial Relations.

Roy's involvement with California farming has spanned 30 years. Throughout his lifetime, he has been a tireless voice in support of the valley's immigrant population. In the eighties, Roy helped more than 50,000 workers apply for legal immigration status under the Federal Immigration Reform and Control Act of 1986. Like me, Roy believed the current agriculture labor shortage to be a crisis and fought to bring attention to the issue and enact reform legislation like AgJobs. The agricultural labor reform movement has lost a great champion in his passing.

We also shared a passion for rail transportation. He was not only an avid historian of nineteenth and twentieth century rail development, but he was respected for his knowledge and opinions on the subject matter. Roy was also an active supporter of today's national high speed and inner-city passenger rail efforts. For all these reasons, we will miss him dearly.

Mr. Gabriel's leadership and dedication will continue to inspire Californians for many years to come. A man of great principle and integrity, his passion and enthusiasm has touched many lives, including my own. It is with fond sadness that I remember and honor the life of my colleague and friend, Mr. J. Roy Gabriel.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately yesterday, October 22, 2007, I was unable to cast my votes on H.R. 189, H.R. 523, and H. Res. 76.

Had I been present for rollcall No. 983 on suspending the rules and passing H.R. 189,

the Paterson Great Falls National Historical Park Act, I would have voted "aye."

Had I been present for rollcall No. 984 on suspending the rules and passing H.R. 523, the Douglas County, Washington, PUD Conveyance Act, I would have voted "aye."

Had I been present for rollcall No. 985 on suspending the rules and passing H. Res. 762, Supporting the goals of National Bullying Prevention Awareness Week, I would have voted "aye."

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. MILLER of Florida. Madam Speaker, I would like to offer a personal explanation of the reason I missed rollcall vote Nos. 983 through 985 on October 22, 2007. I was in my district attending a family funeral.

If present, I would have voted: rollcall vote No. 983, H.R. 189, establishing the Paterson Great Falls National Park in the state of New Jersey, "nay"; rollcall vote No. 984, H.R. 523, requiring the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington, to the utility district, "aye"; rollcall vote No. 985, H. Res. 762, supporting the goals of National Bullying Prevention Awareness Week, "aye."

IN HONOR OF THE 25TH ANNIVERSARY OF THE GREATER SPOKANE SUBSTANCE ABUSE COUNCIL

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to honor the Greater Spokane Substance Abuse Council (GSSAC) as they celebrate 25 years of service to the Spokane community. In 1982, local policymakers and citizens joined together to take a stand against the devastation of drugs and violence. Through their efforts, GSSAC now runs programs and collaborative efforts that are empowering our youth, focusing on prevention of substance abuse and violence and solving the problem of meth abuse in our community.

At the core of the GSSAC Prevention Center mission is a desire to equip those in need with the knowledge and skills to make positive choices in their life. They work to unite and support the community through fostering positive attitudes and behaviors. Most of all, they encourage, facilitate, initiate and assist all people, groups and organizations in finding solutions to alcohol, tobacco and other drug abuse.

Over the 25 years that GSSAC has served the greater Spokane community, they have accomplished many milestones. The staff and volunteers of GSSAC give their time and resources through a variety of programs like the Spokane County Meth Action Team, Washington Drug-Free Youth and Prevention in Practice. They also help to disseminate information about drug abuse and prevention through their Information Clearing House.

GSSAC has become a model of impact an organization can have when they invest in their community. Through the message of prevention, focusing on education, and reducing the stigma of treatment and recovery, they are teaching others that it truly does take community wide involvement to accomplish goals.

Madam Speaker, I rise today to congratulate the dedicated staff and volunteers of Greater Spokane Substance Abuse Council on 25 years of influential service to our community. I invite my colleagues to join me in commending them for continuing on with their vision to make Spokane a safer place to live, and raising awareness on how we can prevent substance abuse in our communities.

CONGRATULATING ALICE EASON BALLANCE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. BUTTERFIELD. Madam Speaker, please join me in recognizing and congratulating Alice Eason Ballance of Winsor, North Carolina. Mrs. Ballance was recently named as this year's Experience Works Prime Time Award recipient for North Carolina. This national award program honors individuals over the age of 65 who continue to make meaningful contributions in the workplace, and who best reflect the characteristics of leadership, learning, mentoring and contributing to the nation and their local communities.

Mrs. Ballance is highly deserving of this honor after a lifetime centered on helping others, particularly those who need assistance the most. She continues to work hard each day to help the poor and disadvantaged in eastern North Carolina and has realized many successes along the way.

Mrs. Ballance understood the power of voting and mounted a highly successful voter registration drive where she personally taught people to read to enable them to overcome literacy tests. Among her many accomplishments, she has helped displaced sharecroppers find housing, worked to open the welfare system to anyone who needed assistance, and developed poverty and jobs programs.

She has been recognized many times for her selfless efforts, with honors including the Long Leaf Pine Award from former North Carolina Governor James Hunt, a Community Service Award from former President Bill Clinton and the Nancy Susan Reynolds Award for Extraordinary Leadership.

Today, the 88-year-old Mrs. Ballance still works 9 hours each day as the director of Kiddie World—Mary Alice Day Center overseeing the delivery of daycare services to 150 children and 25 adults. She is an energetic inspiration to all who know her. Mrs. Ballance embodies the true spirit of commitment and compassion; she has given all that she can to her community.

The communities in eastern North Carolina are better for Mrs. Ballance's efforts, so it is a great honor for me to recognize the success and achievements of this outstanding resident of the First Congressional District of North Carolina.

IN HONOR OF DR. WILLIAM C. POTTER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. FARR. Madam Speaker, I rise today to congratulate Dr. William C. Potter, director of the Center for Nonproliferation Studies, CNS, at the Monterey Institute of International Studies, MIIS, for holding the first Nunn-Lugar Chair in Nonproliferation Studies.

The Cooperative Threat Reduction, CTR, Program, commonly referred to as Nunn-Lugar, was created to address the threat against global security resulting from the dissolution of the Soviet Union and loss of control over weapons of mass destruction. Just think what could have happened without Nunn-Lugar—since the program's inception in 1992 nearly 7,000 nuclear warheads and 2,000 missiles have been decommissioned. Nunn-Lugar also provides critical funding for security upgrades and conversion of many former nuclear and biological weapons facilities.

Along with Senators Sam Nunn and RICHARD LUGAR, Dr. Bill Potter has devoted his academic life to nonproliferation issues as the director of the Center for Nonproliferation Studies at the Monterey Institute of International Studies. Under Dr. Potter's leadership, the center is world renowned as a nexus for nonproliferation education, resources, and policy information. For over 9 years, the center has published The Nonproliferation Review, the leading international journal in the field, and other significant publications on various nonproliferation topics by international experts and practitioners. The center nonproliferation databases and website have become known among analysts, government experts, and the media as reliable sources of objective information on cutting-edge policy issues, as well as a broad range of technological and regime-related questions.

Dr. Potter is a global leader on nonproliferation issues. He has authored or edited 14 books and has contributed chapters and articles in over 90 scholarly books and journals. He has served as a consultant to the Arms Control and Disarmament Agency and the RAND Corporation. His present research focuses on nuclear terrorism and on proliferation issues involving post-Soviet states. He is a member of the Pacific Council on International Policy, the International Institute for Strategic Studies, the Council on Foreign Relations and served for 5 years on the U.N. Secretary-General's Advisory Board on Disarmament Research.

Madam Speaker, Dr. Potter's work on nonproliferation and disarming weapons in the former Soviet Union and locating "loose nukes" has contributed significantly to our global security. I can think of no one more worthy of the honor of the first endowed Nunn-Lugar professorship in the world devoted to nonproliferation study than Dr. William C. Potter. It is my honor to consider Dr. Potter a friend.

IN TRIBUTE TO LOURDES CASTILLO-URIBE, PRINCIPAL OF THE YEAR 2007

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize a compassionate leader, an educator, and an advocate for children, Ms. Lourdes Castillo-Uribe. Ms. Castillo-Uribe has served as principal at Escuela Vieau School for 15 years. Vieau School serves Head Start through 8th grade children, 96 percent of whom are of Hispanic descent. Ms. Castillo-Uribe achieved a 95 percent attendance rate at Vieau School, even though 69 percent of the students are bussed. Vieau School is the only P–5 DPI program and bilingual school recognized as high achieving by the Milwaukee Public School district.

Ms. Castillo-Uribe prioritizes knowing the students, their families and their challenges such as lack of healthcare and food insecurity. For example, 95 percent of Vieau School students qualify for free or reduced lunch. Ms. Castillo-Uribe knows a positive early school experience strongly influences the future academic success of children in poverty. She sets high expectations for students and teachers and encourages creative thinking from teachers. She instituted the High Scope model for family involvement, providing daily opportunities for parental involvement in the academic and social lives of their children during school hours and after school in their Community Learning Center.

For her commitment to our children and for her many efforts and gifts, the Wisconsin Department of Public Instruction and the Association of Wisconsin School Administrators named Ms. Castillo-Uribe as Principal of the Year from the Milwaukee Public School system for 2007.

Ms. Castillo-Uribe's belief in ongoing professional development for teachers has lead Vieau School to become a training and professional coaching school. Instructional Practice Inventory, IPI, is a new initiative focusing on both high expectations and best practices for teachers. All the classroom teachers at Vieau are guided and mentored by teachers who are trainers and coaches for IPI.

Ms. Castillo Uribe has formed a number of private/public partnerships to provide programs for students. The partnerships include: the Helen Bader Foundation, Medical College of Wisconsin, Alverno College, Hispanic Chamber of Commerce, United Migrant Opportunities Services, UMOS, Wisconsin Hispanic Scholarship Foundation, Mexican Fiesta, Milwaukee Symphony Orchestra, and Wisconsin Hispanic Professional Association.

Ms. Castillo-Uribe graduated cum laude with a bachelor's degree in elementary education and a master's degree in curriculum and instruction from the University of Wisconsin-Milwaukee.

Madam Speaker, for these reasons, I am honored to pay tribute to M. Castillo-Uribe who has dedicated her life toward educating and improving the lives of the children in the Fourth Congressional District and is an outstanding recipient of the Principal of the Year award.

HONORING ALDEN WILSON

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. MICHAUD. Madam Speaker, I rise today to recognize Alden Wilson, who announced recently that he will be stepping down as Director of the Maine Arts Commission. Alden has been a fixture in Maine's cultural landscape for over three decades.

Under Alden's leadership, the Maine Arts Commission has become an example for similar commissions in other states to follow. One of the keys to the Commission's success has been Alden's ability to bring together artists, community members, and policy makers to focus on common goals.

The arts are a fundamental building block in our regional economies and are vital to our communities. Serving as director of the Maine Arts Commission for 33 years, Alden focused the group on the cultivation of Maine's creative economy. In large part because of Alden, Maine enjoys a vibrant arts landscape that spreads to every corner of the state.

Alden leaves an organization with a strong vision and a record of success. I have had the joy of working with Alden during my time in the Maine State Legislature, and now, while serving in Washington.

I wish Alden the very best in the future as he pursues new opportunities.

TRIBUTE TO MAJOR GENERAL CHARLES ELWOOD ''CHUCK'' YEAGER

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mrs. CAPITO. Madam Speaker, I rise today to honor Major General Charles Elwood ''Chuck'' Yeager and the 60th Anniversary of breaking the ''Sound Barrier.'' Both the accomplishment and the man responsible for it serve as lessons in what we can achieve as a nation.

In 1947, when young Captain Yeager raced across the sky faster than the speed of sound, the United States was still new to its role as a world power. The sound barrier represented a principle of nature. By breaking it, Yeager showed the world America's endless potential for innovation.

Yeager's early life prepared him well to become a fighter pilot. Born in Boone County, West Virginia, he grew up hunting and working in his father's repair shop. These skills later served him well as a pilot. At the tender age of 18, Yeager enlisted in the Army Air Corps.

Yeager served as a pilot in England during World War II. On one mission, he was shot down over France. Showing remarkable resilience he evaded capture and returned to Britain to fly. Yeager was never shot down again. He finished the war as a Captain, totaling 12½ kills, including an impressive five in one day.

After the war, he became a test pilot in the Air Corps' Research and Development Program. On October 14, 1947 he was given a chance to break the sound barrier in an X-1 rocket powered jet.

Yeager's flight has grown into legend over the years due in large part to breaking his ribs just days before the flight. Hiding his injuries from his superiors, he needed a rigged broom handle just to close the plane's hatch. Despite the pain, Yeager flew into history, reaching March 1.6, a speed of 700 miles per hour.

It was 6 months before the public was informed of Yeager's achievement. He nonetheless became a hero and was labeled the ''fastest man alive.'' It was a name he did his best to live up to, continuing to fly faster and higher than anyone. Over the course of his career Yeager rose through the ranks, commanding fighter bombing squadrons during the Korean and Vietnam wars and mentoring up and coming pilots at the Aerospace and Research Pilot School.

Chuck Yeager's life of service is a model for all Americans and by breaking the sound barrier he inspired the next generation of heroes to grand achievements of their own, including: the space program and the Moon landing.

Just as was the case in 1947, our Nation today continues to face unprecedented challenges, but we should find strength from this moment in history and from heroes like Chuck Yeager that our nation will continue to break new barriers and reach new heights.

PERSONAL EXPLANATION

HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. SIRES. Madam Speaker, on October 22, 2007, I missed rollcall vote Nos. 983, 984, and 985. Had I been present, I would have voted ''yes'' on rollcall 983, ''yes'' on rollcall 984, ''yes'' on rollcall 985. In addition, I want to express my strong support for H.R. 189, legislation introduced by Congressman BILL PASCRELL to establish the Paterson Great Falls National Park in Paterson, New Jersey. I regret having missed the opportunity to cast a vote in favor of the establishment of this park, which will provide all northern New Jersey residents as well as all Americans continued access to this historic landmark.

TRIBUTE TO LIEUTENANT RONALD PHILLIP ALLEN, JR.

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to LT Ronald Phillip Allen, Jr. of Tar Heel, North Carolina, for serving his community as a dedicated volunteer with the Tar Heel Fire Department. On the morning of September 22, 2006, Lieutenant Allen was tragically killed in an accident with an oncoming car while marking hydrant locations along North Carolina Highway 87.

The American scholar, William Arthur Ward, once said, ''Greatness is not found in possessions, power, position, or prestige. It is discovered in goodness, humility, service, and character.'' Lieutenant Allen led such a life.

As a Bible school teacher, Lieutenant Allen shared his faith and the goodness it instilled

within him with the members of his church community. As a firefighter, Lieutenant Allen showed humility through his willingness to sacrifice his safety and well-being for the protection of others. As a correctional officer, he served as a source of character inspiration and guidance for the inmates in his charge. And as the son of a former mayor of Tar Heel, Lieutenant Allen was born into a tradition of public service, a tradition that he would uphold and implement every day of his life.

The life of this remarkable hero was truly one dedicated to helping others and making his community a better place to live. Lieutenant Allen and 82 additional heroes who sacrificed their lives in the line of duty were honored by 5,000 people, including President George Bush and Members of Congress, during the National Fallen Firefighters Memorial Service on October 7, 2007.

Madam Speaker, may we never forget the goodness, humility, service, and character that defined the life of Lieutenant Allen. May God continue to bless his loved ones, the work he did, and the greatness that he inspired within all who knew him.

A TRIBUTE TO SALLIE BALDWIN HOWARD

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. BUTTERFIELD. Madam Speaker, it is with great pride that I rise today to pay tribute to Mrs. Sallie Baldwin Howard, a native and resident of Wilson, North Carolina. For many years, Mrs. Howard dedicated her life to educating and serving the people of Northeastern North Carolina. She was recently honored as the Wilson Human Relations Commission 2007 Paul Lee Stevens Humanitarian for outstanding service to her community.

Madam Speaker, Mrs. Howard, who is affectionately known as ''Bibi,'' dedicated much of her life as a teacher in the New York City Public School System during her early years, but for the past 15 years she has donated all of her time and energy to rallying youth in Wilson, challenging them to be exemplary citizens and great achievers.

Madam Speaker, high praise is due to Mrs. Howard for her success in overcoming the racial and gender prejudices of her time. Mrs. Bibi Howard was born in Wilson, North Carolina, to Narcissus and Marcellus Sims on March 23, 1916. She overcame countless challenges growing up in the Jim Crow South as the daughter of sharecroppers. Nevertheless, she was driven and focused and graduated as valedictorian from Charles H. Darden High School in 1938. Mrs. Howard attended Hunter College in New York City where she earned both her bachelor and masters degree in education.

She taught for nearly 30 years as a first grade teacher in New York. While there, she worked in the New York City American Negro Theater, which helped start the careers of Sidney Poitier, Harry Belafonte, Ossie Davis, Ruby Dee and Esther Rolle. There she honed her acting, directing and writing talent, finding a voice through her art. Her Off Broadway play The Passing of a Dinosaur is still performed today in local schools.

Upon her retirement, Mrs. Howard returned to Wilson to lead the Christian Education Department of the St. John AME Zion Church. Her enthusiasm for education and the church inspired many of the youth of the community. Along with many other projects, Mrs. Howard founded the Youth Enrichment Program with Dr. JoAnne Woodard in 1989, and focused the program on lasting scholarship, a commitment to the cultural heritage of African Americans, and promoting the arts. Bibi Howard's tireless work to enrich the community inspired Dr. JoAnne Howard to create the one of the first public charter schools in the state, and the only public charter school in Wilson, the Sallie B. Howard School for the Arts & Education. The school, along with the Youth Enrichment Program, has been an invaluable asset to our community.

Madam Speaker, in honor and recognition of Mrs. Sallie Baldwin Howard's diligent service as an educator and leader, I ask my colleagues to join me in paying tribute to this great woman.

HONORING THE STUDENTS OF HALF HOLLOW HILLS HIGH SCHOOL EAST

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. ISRAEL. Madam Speaker, I rise today to recognize the students of Half Hollow Hills High School East for their thoughtful letters on the war in Iraq. I appreciated hearing their views and reading their individual letters which contained their ideas and perspectives on our involvement in Iraq.

I want to applaud their interest in this critical topic and appreciate that they took the time to share their opinions with me.

TRIBUTE TO ERIN REED, LOIS SUZUKI AND STEVE SMITH

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. DOOLITTLE. Madam Speaker, on September 29, 2005, emergency flight nurses Erin Reed, Lois Suzuki and pilot Steve Smith gave their lives when their helicopter lost ontrol in inclement weather conditions after delivering a patient to a nearby hospital. This accident, like many of the increasing number of emergency medical service (EMS) fatal crashes, occurred under so-called ''Part 91'' regulations, which allow an EMS crew to fly in conditions which are more dangerous than what is permitted when a patient or an organ is on board.

Since her death, Erin's family has joined a coalition of friends and family members who have lost loved ones in a medical flight. Their efforts are devoted to making air medical transports safer for the flight crew and patients who take to the skies for emergency medical care. With the support of this coalition, I am pleased to introduce bipartisan legislation today that will increase safety for all those on board an aircraft providing emergency medical services. This bill will eliminate the Part 91 regulations for certain flights and direct the Federal Aviation Administration to study and implement several other proposals to increase safety conditions for medical flights.

I would like to recognize the efforts of the many families who have responded to their losses with determination to help others. I would particularly like to thank Stacey Friedman, Erin's sister, for her tireless efforts in advocating for changes that would protect caregivers like her sister. By enacting this legislation, we will not only honor the remarkable sacrifices of those who gave their lives while trying to save others, but in their honor we will also prevent similar tragedies from occurring in the future.

RECENTLY INTRODUCED HEALTH CARE LEGISLATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. McHUGH. Madam Speaker, I rise today to discuss three bills I recently introduced that are designed to reduce the number of Americans who do not have access to health insurance. These three bills are designated H.R. 3515, the Health Insurance Tax Relief Act of 2007; H.R. 3516, the Affordable Health Care for Americans Act of 2007; and H.R. 3517, the Long-Term Care Tax Reduction Act of 2007.

In 2006, approximately 47 million Americans, or 15.8 percent of the population, did not have health insurance coverage for the entire year. When people lack health insurance, they often find themselves lacking real access to health care, thus unnecessarily incur illnesses, emotional and physical pain, and costs. This is particularly the case with preventable or chronic conditions. In addition, when patients cannot pay for health services, the facilities that provide those services suffer financial losses, which have been estimated to be as high as $41 billion annually. As a result, some health care providers reduce or stop offering services while others may raise rates, thus reducing everyone's access to health care.

The average annual premium for self-only coverage in 2007 is $4,479 with the average premium for a family of four at $12,106. These premiums were 7.7 percent over the cost of the previous year's premiums and grew at a rate in excess of both wage gains and the growth in prices for goods and services. Nearly 60 percent of Americans receive health insurance through their employment, primarily because of the advantages available to employers and employees under our Nation's tax code.

To reduce the number of uninsured Americans, we need to help open doors for those who do not receive health insurance through their workplace and do not qualify for public programs. H.R. 3515, the Health Insurance Tax Relief Act of 2007, and H.R. 3516, the Affordable Health Care for Americans Act are both designed to provide this assistance. Specifically, H.R. 3515 would allow eligible individuals a refundable credit against income tax for the purchase of private health insurance and H.R. 3516 would permit individuals to take an above-the-line tax deduction, whether or not they itemize, for all health insurance premiums paid during a tax year.

With regard to long-term care, this challenge currently constitutes a significant component of health care spending in the United States. In fact, of the $1.56 trillion spent on personal health care services in 2004, over $194 million or 12.5 percent was spent on long-term care services. Of that amount, nearly $37 billion was paid out-of-pocket by consumers.

There is no question that long-term care insurance is increasingly becoming a necessity as Americans are living longer. However, the expense of this coverage is a major obstacle to its purchase. Thus, I have introduced H.R. 3517, the Long-Term Care Tax Reduction Act of 2007, which would allow individuals to use their IRAs, as well as 401(k) and 403(b) plans, to purchase qualified long-term insurance using pre-tax dollars without penalty. If enacted, this measure may save the government money in the long run by reducing the more than $133 billion Medicaid and Medicare spend annually, while allowing Americans to preserve more of their retirement savings and their sense of independence.

Accordingly, I ask my colleagues to carefully consider these points as they review these three bills. In addition, I ask them to work with me to enact these measures during the 110th Congress.

ON THE DEATH OF RANDALL FORSBERG

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. MARKEY. Madam Speaker, it is with great sadness that I rise to mark the passing of my friend Randall Forsberg, but it is with pride, admiration, and thankfulness that I remember her enormous contributions to the cause of nuclear disarmament.

Randy Forsberg was the mother of the Nuclear Freeze movement. When she was a doctoral candidate at the Massachusetts Institute of Technology in 1980, she put forward a simple and inspired proposal: to end the ''testing, production, and deployment'' of all nuclear weapons everywhere. With her ''Call to Halt the Nuclear Arms Race,'' and her tireless advocacy for a nuclear weapons freeze, Randy galvanized a national grassroots campaign to end the threat of nuclear weapons.

I was proud to introduce the very first nuclear freeze resolution in the Congress, and to work for its successful passage on the House floor in the spring of 1983. That vote shocked many within the dusty confines of the foreign policy establishment, who simply could not comprehend that ordinary citizens understood the unique and intolerable threat of nuclear weapons and that the American public would demand a fundamentally different course be set. Randy was at the center of the Nuclear Freeze throughout the country, and was a guiding light to many who believed in the necessity of the Nuclear Freeze. While the Freeze did not pass in the Senate, the activism that this movement created led the Congress to pass other legislation to cut in half the proposed size of the MX missile force, ban anti-satellite weapons testing in space, cut funding for Star Wars missile defenses, and to propose a moratorium on underground nuclear weapons testing. Those Congressional initiatives, in turn, led the Reagan Administration—which came to office opposed to arms control—to sign the START and INF treaties with the Soviet Union.

In order to advance a nuclear weapons freeze, Randy founded the Institute for Defense & Disarmament Studies in Cambridge, Massachusetts, in 1980. Since that time, IDDS has been an important part of the arms control community in the United States and abroad. Through its numerous publications, including its World Arms Database, IDDS has provided vital information and analysis to both policy makers and the public at large.

Randy Forsberg passed away last Friday night, ending a long battle with endometrial cancer during which she had shown incredible bravery and dignity. My thoughts and prayers are with her daughter, Katarina Lilly, her mother, Genie Watson, and her sister, Celia Seupel.

With Randy Forsberg's death, the world has lost an eloquent and inspired advocate for nuclear disarmament. But the cause to which she devoted her life endures, and her example serves to inspire others who share her dream of a world without nuclear weapons.

TRIBUTE TO THE KALAMAZOO PUBLIC LIBRARY

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. UPTON. Madam Speaker, I rise today to recognize the Kalamazoo Public Library on the 100th anniversary of its designation as a federal depository.

Since 1907, the Kalamazoo Public Library has safeguarded the public's right to know by accepting, organizing, and maintaining all publications released by the U.S. Federal Government. Furthermore, the Kalamazoo Depository has provided the public of Southwest Michigan with free access to these government documents in an impartial environment along with professional research assistance.

From census records and court rulings to financial aid forms and the federal tax code, the Kalamazoo Depository has become an easily accessible resource for those seeking information relating to the federal government.

As a republic founded upon the ideals of governmental accountability and democratic participation, public access to such information is invaluable. The public's ability to know, question, and participate is the lifeblood of a free and open society such as ours, and not something to be taken for granted.

Once again, I would like to personally recognize and thank the Kalamazoo Public Library and its staff for providing such an invaluable service to the citizens of this community. Southwest Michigan is truly a better place because of their contributions.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 2007

Mrs. BOYDA of Kansas. Madam Speaker, I am deeply troubled by the high-pitched rhetoric that dominated the recent SCHIP debate. Very unfortunately, the remarks of a few Members of Congress on both sides of the aisle crossed the line between civil discussion and a partisan shouting match. Not only are such comments inappropriate, but they distract from the critical issues facing America today.

I hope that, as the debate on SCHIP moves forward, Congress can move past the political rhetoric and focus on what really matters: helping low-income families who have no other way to afford health care for their kids.

TRIBUTE TO ANNE MARGARET KELLEHER REAM

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Ms. ESHOO. Madam Speaker, I rise today to pay tribute to an extraordinary member of my congressional staff for over 14 years, Anne Ream.

Anne was born Anne Margaret Kelleher on January 23, 1943, in Winthrop, Massachusetts, to William Joseph Kelleher and Elizabeth Tyrrell, affectionately known as Betty.

Anne graduated from Albertus Magnus College in 1964 with a B.A. in Economics and a minor in political science. She then went on to work as a securities research analyst at several stock brokerage firms in New York City and San Francisco between 1964 and 1969; as a portfolio analyst at Wells Fargo Bank between 1969 and 1971, and as a research assistant at Dataquest, Inc. between 1975–1979.

On August 10, 1968, she married the love of her life, Christopher Ream, and they had two beautiful children; Jason born in 1971 and Anita born in 1974. While raising her two young children, she attended the Santa Clara University School of Law, received her Juris Doctor degree in 1983, and was admitted to the California Bar the same year. Anne practiced law at the firm of Auchincloss and Marblestone in Redwood City between 1984 and 1989.

Anne is respected throughout our community as a real leader, volunteering with many organizations and serving as president of the Community Breast Health Project, board member of the Girls Club in East Palo Alto, executive vice president of the Palo Alto Foundation for Education, chair of the Resource Committee for Families in Transition, board chair of the Rachel Austin Foundation, board member and event co-chair for the Association for Senior Day Health, and board member of the Associates of the Institute for Research on Women and Gender.

Anne is the proud and loving grandmother of Hollister and Jessica Ream, and just welcomed her newest granddaughter, Chloe Pollert.

Since my first day as a Member of Congress in January 1993 until July 2007, Anne Ream has worked effectively to serve the people of the 14th Congressional District, first as a field representative and then as my deputy district chief of staff in our Palo Alto District Office. She applied her years of experience and expertise to bring community leaders together on critical healthcare, women's and senior issues. She assisted hundreds of constituents and resolved complex problems with federal agencies, including Medicare, immigration, Social Security, disability and housing. Her compassion for constituents, especially for the disenfranchised, knew no bounds and she set a standard of excellence in everything she did. Her strong presence in our office will always be missed, as well as her rich sense of humor, her meticulous attention to detail and her endless reserve of knowledge.

Madam Speaker, I ask my colleagues to join me in honoring the work of Anne Ream as she begins the next exciting chapter of her life. She has served the people of California's 14th Congressional District with grace and distinction and in doing so, she strengthened our community and made our country better. How proud I am of all she accomplished and how grateful I am to have her as my friend.

INDIA'S JEWISH COMMUNITY OUTRAGED OVER ''NAZI COLLECTION''

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. TOWNS. Madam Speaker, on September 30, Fox News reported an outrageous story. India has a small Jewish community and they are outraged at the emergence in Mumbai (formerly Bombay) of a new line of bedspreads called the "Nazi Collection." The proprietor, one Kapil Kumar Todi, claimed that it stands for "New Arrival Zone for India," but nobody takes that claim seriously. Mr. Todi pretends not to understand the outrage of the Jewish community, saying "It really does not matter to me who feels bad about it."

This collection is an outrage, not only against Jews, but against all people who believe in decency and tolerance. India should shut it down.

A restaurant in Mumbai used swastikas on its menus and called itself Hitler's Cross. After the Jewish community protested, the restaurant was forced to change its name. This shows the tolerance for Nazi ideas in India, and yet it considers itself the ally of Israel and the Jewish people.

As you know, Madam Speaker, India has been plagued by Hindu fundamentalism and many instances of religious intolerance. Christians, Muslims, Sikhs, and others have suffered religious violence that has claimed hundreds of thousands of lives. There has been destruction and laws have been enacted to prevent a Hindu from converting to another religion. A booklet was published telling people how to implicate Christians and others in false criminal cases. This is merely the latest outrage. But it is one more example of the lack of religious freedom in India. That is one reason that there are 17 freedom movements inside India.

This is unacceptable, Madam Speaker. It is one more reason why we should cut off our aid to India and our trade with that country and put the U.S. Congress on record in support of self-determination and freedom for the many nations seeking their freedom from India.

[From Fox News, Sept. 30, 2007]

INDIAN JEWS OUTRAGED OVER ''THE NAZI COLLECTION'' LINE OF BEDSPREADS

MUMBAI, INDIA—Leaders of India's Jewish community expressed outrage Sunday over a new line of bedspreads called ''The Nazi Collection'' from a Mumbai-based home furnishing company that used swastikas in its promotional material.

The furnishing dealer said the name stands for ''New Arrival Zone for India'' and was not meant to be anti-Semitic.

But Jewish groups said they would file a lawsuit against the company.

''This is an enormous insult to Jews and all right-thinking people and must be retracted,'' said Jonathan Solomon, chairman of the Indian Jewish Federation.

There are about 5,500 Jews living in India, a predominantly Hindu nation of 1.1 billion people.

The bedspread line is not yet on sale, but brochures were handed out in a mall in a northern Mumbai suburb, the Times of India newspaper reported Sunday.

Furnishing dealer Kapil Kumar Todi said he chose the name because ''that's what came to my mind,'' according to the paper.

''It really does not matter to me who feels bad about it,'' he said.

Some Indians regard Hitler as just another historical figure and have little knowledge about the Holocaust in which 6 million Jews were killed during World War II.

The swastika symbol, which was appropriated by the Nazis, was originally an ancient symbol used in Hinduism, Buddhism and other religions, and is still displayed all over India in hopes of bringing luck.

Last year, a restaurant in Mumbai, India's financial and entertainment capital, changed its name from Hitler's Cross after the city's Jewish community protested. The restaurant used swastikas on its signs and menus.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. ELLISON. Madam Speaker, on October 10, 2007, I inadvertently failed to vote on H. Res. 719 (rollcall No. 954), had I voted, I would have voted "aye."

PAYING TRIBUTE TO EILEEN SWEENEY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. RANGEL. Madam Speaker, I rise to ask my colleagues to take this time to remember the life of Eileen Marie Sweeney.

Eileen Sweeney, a woman whose life, to a remarkable degree, embodied the reverie of the American dream, was a great woman of distinction which reflected her grand Irish heritage.

Born on October 5, 1934, Eileen Sweeney was a long-time community activist who devoted many years to the betterment of Washington Heights and Inwood, For many years, she worked for New York State Assembly Members Edward H. Lehner and Herman D, Farrell, Jr., where she was diligent in resolving constituent issues. While in her office or out in the community, any project she took on merited her full and undivided attention.

Eileen contributed her time and talents to countless civic and charitable endeavors and has always given of herself unstintingly. One of countless examples was her membership to Community Board 12 of Manhattan, where she served as a fierce housing and tenant advocate and protector of her beloved community.

In 1976, she was called upon to serve as a Democratic District Leader for the 71st New York State Assembly District and also as a Delegate of the Democratic National Convention in which nominated then Presidential Candidate, President Jimmy Carter.

As she passed away on January 31, 2006, such a benevolent amalgamation of intellect, steadfastness, and vigor as that demonstrated by Eileen Sweeney over a lifetime of sacrifice and dedication to others, will greatly be missed.

This past weekend, on October 20th, 2007, Eileen was memorialized by those that loved and cherished her with the renaming of the Northwest comer of West 207th Street and Broadway in my district. It is our hope that this act will help preserve the memory of this remarkable woman, not only for the benefit of those who knew her but for all who value the promise of America.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBER-SECURITY AWARENESS MONTH

SPEECH OF

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2007

Mr. KINGSTON. Mr. Speaker, I wanted to talk a little bit about my dad. My dad is 89 years old. He has never owned a credit card. He has never even had a digital telephone. He doesn't have a computer. He doesn't have Internet. He is not interested in any of it. And yet, as removed as he might be from computer technology on a day-to-day basis, as it would appear in his personal life, the truth of the matter is, no one is isolated from high tech today.

His veterans payments, his Social Security payments, his bank transfers, his Medicare, all of this comes to him through computer networks. If anybody messes up those computer networks, my 89-year-old dad will not get the services that he needs. That's why this is so important today.

I am proud that in 2002 Armstrong Atlantic State University in Savannah, Georgia, began its Regional Center for Cyber-security Education and Training. This was part of the G–8 Summit which was held in Savannah, Georgia, in 2004, and they played a key role in the law enforcement efforts surrounding the G–8.

Since then, Armstrong Atlantic State University has taken on partners of Washington Group International and Bridgeborn, and they are offering all kinds of computer security training programs, from simulating and modeling to visualization, covert channels, cybersecurity and security of networks.

Why is this important? Now, Mr. MCCAUL said there are 200 million U.S. citizens connected to the Internet. The number of people with access has increased over 182 percent from 2000 to 2005. In 2006, total non-travel-related spending on the Internet is estimated to be over $100 billion. That is a 24 percent increase over 2005. In 2005, the FBI has estimated that American businesses lost $67 billion because of computer crime.

The United States is the location of 40 percent of the known command-and-control servers; and because of that, we are the target of attack after attack. Most of these are executed by botnets, which are a collection of broadband-enabled PCs hijacked during virus and worm attacks and seeded with software that connects back to a server to receive communications from a remote attacker. In other words, the botnets all work together to simultaneously, consistently and constantly attack computer networks, such as the Department of Defense, the Centers for Disease Control, and the Department of Energy.

In fact, in America our governmental computers alone get millions of attacks each and every day. It is something that we all should be very concerned about. The United States was the top country of attack origin, making up 33 percent of the worldwide attack activity.

Personal information, for example, on veterans in May 2006 was taken home with a Veterans Administration employee. Approximately 26.5 million veterans had their own personal information compromised simply because one employee took a laptop home. Now 25 years ago that may have required a truckload to carry that many files home. But just think about it, all he did was take a laptop home. And if the employee's house had not been broken into and the laptop stolen, we still might not have known about it. In mid-June of 2006, the Department was spending approximately $200,000 a day just to operate a call center to explain to veterans how this might affect their service. Of course, there are class action lawsuits that have followed, and there will be a lot more discussion about that.

In September 2000, a 16-year-old young man by the name of Jonathan James, who lived in Florida, hacked into a Pentagon system that monitors threats from nuclear weapons and a NASA system that supports the international space station. This gave him access to over 3,000 government e-mail messages. He was able to illegally access a total of 13 NASA computers and downloaded software which supported the International Space Station's physical environment, including control of the temperature and humidity within the living space.

In February 2001, Gary McKinnon of London took a poorly secured Windows system of NASA and the Pentagon and 12 other military operations and caused almost $1 million worth of damage by just basically playing around, stealing passwords and deleting files.

We know that in March 2000, Max Ray Butler, a 27-year-old computer expert working as an FBI informant, was indicted on 15 criminal counts for allegedly hacking into the U.S. Department of Defense, NASA, and Air Force computer systems. In 2007, he was once again indicted on charges of identity theft and wire fraud.

The list goes on and on, even to the extent that you have folks in China purposely attacking American systems, including the Pentagon. I will submit some of these for the RECORD, but the list goes on and on. That is why it is very important for us to support this legislation and have Members talking about it and knowledgeable.

If you think about cyber-security now, the cost of it is more than what it is for the illegal drug trade in America. Cyber-crime outstripped illegal drug sales worldwide and analysts estimate online fraud will bring in $105 billion in 2007. This is a huge problem, but it is kind of a quiet problem and this resolution helps raise its visibility.

Submissions of examples for the RECORD

June 2007: China's army hacked into a computer network at the Pentagon. Computer specialists with the People's Liberation Army (PLA) penetrated an unclassified network used by policy aides to U.S. Defense Secretary Robert Gates in June, resulting in a weeklong shutdown of the system.

May 2000: Montreal teenage hacker pleaded guilty to illegally penetrating the computer systems of several Canadian and foreign institutions, including NASA, Harvard University and the Massachusetts Institute of Technology, among others.

October 2002 to March 2003: Raymond Paul Steigerwalt, 21, infected DOD server with TK worm. The worm exploited well-known vulnerabilities in Microsoft's IIS Web Server to spread across the Internet and install backdoors under the control of hackers onto infected systems.

July 2006: State Department had large-scale computer break-ins worldwide that appeared to target its headquarters and offices dealing with China and North Korea. Hackers stole sensitive U.S. information and passwords and implanted backdoors in unclassified government computers to allow them to return at will.

K.P.S. GILL SHOULD NOT TESTIFY IN AIR INDIA INQUIRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. TOWNS. Madam Speaker, K.P.S. Gill, the former Director General of Police in Punjab, has requested the opportunity to testify before the Major Commission, which is investigating the 1985 Air India bombing. The request comes in response to the testimony of officials from the Punjab Human Rights Organization who had valuable new information to impart. Mr. Gill should not testify.

Gill was part of the same machinery of Indian repression that led to the bombing. He was responsible for the murders of tens of thousands of Sikhs while he was DGP in Punjab. Mr. Gill was quoted as endorsing extrajudicial killings, saying that they "should happen." These are incidents where the police kill innocent people, then report it as an "encounter" to justify their actions. He was denied passage to the 1996 Olympics in Atlanta by every airline because of his terrorism and he had to leave the country immediately after India's field hockey games. He serves as president of the Indian Field Hockey Association. Almost 50 Members of Congress wrote to the State Department urging them to deny Mr. Gill a visa. He stands convicted of sexually harassing a high-level female Indian Administrative Service employee. He is not fit to be a witness in any civilized country. He ought to be in prison.

Gill has no information on the Air India incident. Why doesn't the Major Commission call Zuhair Kashmeri and Brian McAndrew, who wrote the book Soft Target, which details the Indian government's involvement in this terrorist act, or former Member of Parliament David Kilgour, who exposed the story of Ryszard Paskowski? Paszkowski was a Canadian-Polish double agent who was approached by representatives of the Indian government who asked him to be involved in a second bombing. They said, "the first one worked so well." For For that matter, why not just call Mr. Paszkowski himself?

Gill's involvement in genocide is well known. Why should the Major Commission accept him as a witness?

GILL SHOULD NOT TESTIFY BEFORE MAJOR COMMISSION

WASHINGTON, DC, October 3, 2007.—Former Punjab Director General of Police K.P.S. Gill is seeking to testify before the Major Commission, which is investigating the 1985 Air India disaster. His request comes in response to testimony from two officials of the Punjab Human Rights Organization (PHRO.)

Gill should not testify because he is a terrorist," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "He is responsible for the murders of tens of thousands of Sikhs. Now he is portraying himself as some sort of expert on the Air India bombing. The Council of Khalistan, the government pro tempore of Khalistan, leads the struggle to liberate Khalistan from India.

Gill was denied passage to the Atlanta Olympics by every airline in 1996 because of his terrorism. He had to be sent to Atlanta in a special train and he was sent out as soon as the hockey game was over. 49 Members of the U.S. Congress wrote to the State Department, urging them not to give Gill a visa. In that same year, he was convicted of sexually harassing a senior IAS official. A few years ago when Gill was visiting Belgium, his turban was removed from him by Sikh activists, who then chased him down to his hotel. In 1999, he was quoted as saying that fake encounters "should occur" if they are "necessary." Many innocent people, including a three-year-old child, have been killed in such encounters. In 1994, the U.S. State Department reported that the Indian government paid out over 41,000 cash bounties to police officers for such killings.

Gill presided over more than 50,000 extrajudicial killings, which were exposed by the PHRO in a study begun by Sardar Jaswant Singh Khalra, who was picked up by the police in September 1995 and murdered in police custody in October of that year. Many of these were secret cremations, in which Sikhs were arrested, tortured, and murdered, then their bodies were secretly cremated and declared "unidentified." Their remains were never even given to their families. It was for exposing this brutal policy that Gill's police arrested and murdered Sardar Khalra.

Gill serves as head of the Anti-Terrorist Institute of India, which has so far received $95 million in taxpayer funding from the government of Canada, and of the Institute for Conflict Management, which has received $65,000. "It is ironic that Gill heads an antiterrorism institute and he is a terrorist himself," said Dr. Aulakh. "Like most police

officials, he has escaped any consequences of his actions. Gill should be tried for genocide.''

Information recently released to Tehelka by the PHRO showed that Talwinder Singh Parmar, the leader of Babbar Khalsa (an organization significantly infiltrated and controlled by the Indian government) had identified Lakhbir Singh Brar (Rode), leader of the International Sikh Youth Federation (ISYF), as the main culprit behind the bombing and as an Indian government agent. A police official, Harmail Singh Chandi, showing documents that were supposed to have been destroyed, reported that Parmar was murdered in police custody. It is clear that Parmar was killed to keep him from talking about Rode's involvement. As a Canadian Security Investigative Service agent who was quoted in Zuhair Kashmeri and Brian McAndrew's book Soft Target said. ''If you really want to clear up the incidents quickly, take vans down to the Indian High Commission and the consulates in Toronto and Vancouver. We know it and they know it that they are involved.''

''If Gill can testify, why not call Kashmeri and McAndrew? Former Member of Parliament David Kilgour, who wrote Betrayal: The Spy That Canada Abandoned, should also be invited to testify,'' Dr. Aulakh said. In his book Kilgour reports on a Canadian-Polish double agent named Ryszard Paszkowski, who was approached by representatives of the Indian regime, who asked him to participate in a second bombing because ''the first one worked so well.'' Paszkowski should also be invited to testify.

A report issued by the Movement Against State Repression (MASR) shows that India admitted that it held 52,268 political prisoners under the repressive ''Terrorist and Disruptive Activities Act'' (TADA), which expired in 1995. Many have been in illegal custody since 1984. According to Amnesty International, there are tens of thousands of other minorities being held as political prisoners in India. The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland, over 90,000 Muslims in Kashmir, tens of thousands of Christians and Muslims throughout the country, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, Bodos, and others. The Indian Supreme Court called the Indian government's murders of Sikhs ''worse than a genocide.''

''How can anyone accept testimony of the representative of this bloody regime?'' Dr. Aulakh asked. ''In a free Khalistan, no one would accept those who carry out genocide against the Sikh religion and the Sikh Nation or against any other people,'' he said. ''The Sikh Nation and the Sikh religion cannot flourish without political power. We must free Khalistan now.'

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. ELLISON. Madam Speaker, on October 22, 2007, I inadvertently failed to vote on rollcall No. 983–985, had I voted, I would have voted ''aye.''

TRIBUTE TO ''MOUNT CALVARY BAPTIST CHURCH'' ON THEIR 90TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. RANGEL. Madam Speaker, it is with great honor and enthusiasm that I rise to congratulate Mount Calvary Baptist Church as they join together in celebration of their 90th Anniversary. They will be celebrating his very momentous and joyous occasion with a banquet held on October 20th, 2007.

The Mount Calvary has a very rich history that has given it life and longevity for the past 90 years. It all began in the late summer of 1916. Mr. Sterling Grayson Jr. along with two other colleagues, Reverend William Lilly and Reverend Young, sat among each other and through conversation, the idea was born in the mind of Mr. Grayson to plan and organize a Missionary Baptist Church. In September of that year, at Thomas Chapel, located at 91 West 134th Street, the idea of the three men came to fruition.

Mr. Sterling Grayson, Jr., who at the time was a college student, turned over the officiating of the church to his father, Reverend Sterling Grayson, Sr. Through names submitted by the new church congregation and pastor, Reverend Grayson Sr.'s submission of Mount Calvary Baptist Church is chosen and he becomes known as the author of the official name of the church on September 27th, 1917. Mount Calvary continues to flourish at its new location of 231 West 142nd Street in my district.

From its modest beginning, Mount Calvary Baptist Church has emerged as a cornerstone of the community. Under the guidance of Reverend Dr. Adolph Roberts, Jr., Mount Calvary continues to thrive, both in terms of spiritual growth as well as practical improvements. The proud members of the church are thankful for the spiritual and emotional leadership he and the previous pastors have provided during the years.

Reverend Dr. Adolph Roberts, Jr. was installed as pastor of the church in April of 1983. Though he is dedicated to his congregants, he has never limited his time and love for his family. Reverend Dr. Adolph Roberts, Jr. and his wife of 43 years, Victoria, have one son, Anthony and three grandchildren, He is a scholar and a veteran of the Korean War, where he served with the 82nd Airborne Infantry Division.

The 90th Anniversary Worship Service and Celebration Week began on Monday, October 15th, 2007, with the Friendship Baptist Church Family and Pastor James A. Kilgore. On Saturday, October 20th, 2007, there will be an evening of love and appreciation at the Alhambra Ballroom Banquet in my district where Reverend Dr. James Forbes will be the guest speaker. The celebration banquet will include with church services on Sunday, October 21, 2007, with the Mount Calvary Baptist Church Family of Savannah, Georgia, and Philadelphia, Pennsylvania.

Madam Speaker, I ask that you and my distinguished colleagues join me in honoring and congratulating Mount Calvary Baptist Church on their historic 90th Anniversary. Their constant dedication, commitment, and spiritual guidance is worthy of the highest commendation.

TRIBUTE TO KEITH HOLLIDAY, MAYOR OF GREENSBORO, NORTH CAROLINA

HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. WATT. Madam Speaker, Representative BRAD MILLER of North Carolina and I are pleased to join in this tribute to the Honorable Keith Holliday, who will soon be retiring as Mayor of Greensboro, NC.

Mayor Holliday is a model public servant who served as a member of the Greensboro City Council from 1995 to 1999 and has served as Mayor since 2000. He has distinguished himself nationally, effectively leading Greensboro through major economic and political challenges, through economic redevelopment and through a renaissance of Greensboro's downtown. He has helped position greenways, parks, public art projects and other beautification initiatives on Greensboro's priority agenda and has focused on servicing an ever-expanding, diverse and multi-cultural population.

Mayor Holliday has also been a committed and persuasive advocate for the International Civil Rights Center and Museum. Throughout the world, North Carolina is recognized as the birthplace of the sit-in movement and the International Civil Rights Center and Museum, the site of the original sit-ins, is being renovated and will be opening soon as a lasting tribute to the ''Greensboro Four.'' These four courageous students from North Carolina A&T State University led thousands of students and others who sat down at the F.W. Woolworth lunch counter in Greensboro, NC, to protest segregation and ultimately changed the human condition and struck a blow for human dignity, equality and justice for all.

We applaud Mayor Holliday as he continues to raise his voice in support of the completion of the International Civil Rights Center and Museum so the city of Greensboro and the citizens of North Carolina and this Nation will always remember this great chapter in American history. We join in thanking Mayor Keith Holliday for his many years of exceptional public service.

BIRTHDAY OF GURU NANAK, FOUNDER OF SIKH RELIGION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. TOWNS. Madam Speaker, on October 20, Sikhs around the world will celebrate the birthday of Guru Nanak Dev Ji, the founder of the Sikh religion, who was born in 1469. There are about 25 million Sikhs worldwide. I would like to take this opportunity to congratulate Sikhs around the world on this important occasion.

Guru Nanak had a spiritual experience in 1499 while bathing in the Bein river. He received revelations for 3 days, then became a

travelling preacher, preaching a philosophy of inclusion, tolerance, and univeralism. "There is neither Hindu nor Muslim," he said, and he used both Hindu and Muslim titles for God. Guru Nanak met with both Hindu and Muslim leaders.

His following continued to grow. He eventually settled in Kartarpur, Punjab.

Guru Nanak taught that humans could approach God directly, that God is a formless, unified being. He taught that we could do this by many means including meditation, purification, spiritual purity, and achieving detachment. He encouraged charity. He taught that caste didn't matter. All that mattered was following the spiritual path. He admonished his followers to oppose tyranny and repression.

The teachings of Guru Nanak and his successors are recorded in the Adi Granth, the holy scripture of the Sikh religion, also called the Guru Granth Sahib. It is written in Punjabi, the language of the Sikhs, which was not considered acceptable by the other religious leaders of the time, but which shows that God favors no caste or group.

Guru Nanak's birthday is a major occasion for the Sikh Nation and I congratulate Sikhs worldwide on the celebration of his birth, which gave rise to their religion.

IN RECOGNITION OF GREG GASPEREEZ AND LAURIE CONNER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. RAHALL. Madam Speaker, I rise today to recognize Mr. Greg Gasperecz and Ms. Laurie Conner, in anticipation of the joyful event of their marriage on October 26th, 2007. The institution of marriage is one of the most sacred, cherished and effective traditions in society, and I am pleased today to pause and offer my congratulations to Greg, and best wishes to Laurie, as they approach this important milestone in their lives.

Greg and Laurie have been longtime companions and soul-mates, and they both cherish their proud heritage as lifelong residents of New Orleans, Louisiana. Side by side, in steadfast support of one another, they have celebrated the best of times, and weathered the worst of storms, as survivors of Hurricane Katrina.

In September of 2005, Greg and Laurie were each living the American Dream of home ownership, and Laurie owned a rental property as well, all in the Lakeview neighborhood of New Orleans. Although they were both able to evacuate in the days before the storm, they had to leave behind a lifetime of possessions in the homes they loved so much. By the time they were able to return, they found their homes defiantly still standing, but the structures and entire contents, were a total loss. All 3 houses, wiped out in a single day.

In December of 2005, my wife and I decided to celebrate our first wedding anniversary in New Orleans. And we decided to drive from southern West Virginia to southern Louisiana, so that we could better appreciate the storm's damage to the entire region. We went to New Orleans to show our support for the community in some small way, and to personally tell any survivors that we could find, that they had not been forgotten. '

It was on that visit that I came to know Greg Gasperecz and Laurie Conner, in what had to be the bleakest period of their lives. They were just beginning to comprehend the totality of their personal loss, and that of their beloved hometown. Yet they spent an entire day and evening, offering us an extended tour of the affected areas, including their homes, and they proudly took us on a tour of the unmistakable French Quarter; which was still proudly vibrant under the dire circumstances that persisted. That day, we stood atop the sandbags that had been dropped 3 months earlier at the breech of the 17th Street Canal, a stream of lake water still slowly spreading into the street below. Greg offered his insight and expertise as he explained the environmental implications of both the cause and the effects of the disaster.

Greg and Laurie had so much to be sad about at that time, but they were still the most charming hosts for which the city could ever hope. I was touched by their pride and compassion, and inspired by their stoic resolve to remain and to rebuild. And 2 years later, rebuild they have. It is my understanding that in the last week, they have finally been able to begin construction on a brand new home, in their same Lakeview neighborhood. And this week, in their beloved French Quarter, they will stand before their loved ones and recite their vows of marriage to one another. Greg and Laurie realize that they have been blessed; to have each other, to have survived this epic disaster, and to have been able to rebuild their home and their lives. They don't take any of that for granted, instead, have chosen to recommit to rebuilding their community, and give back to the city that has given them so much. This is so characteristic of the proud and tough West Virginia work ethic and belief in God.

Madam Speaker, I close my remarks today with congratulations to Greg and Laurie. I ask that you join me in wishing them well, and trust that they will have many happy years together in New Orleans, LA.

PERSONAL EXPLANATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. KING of New York. Madam Speaker, due to the recent passing of my mother, I have been absent in Washington since Thursday, October 18 and have missed a number of votes. However, if I had been present, this is how I would have voted on each rollcall:

Rollcall No. 981: On Approving the Journal, "aye".

Rollcall No. 982: Passage, Objections of the President Notwithstanding of the Children's Health Insurance Program Reauthorization Act, "aye".

Rollcall No. 983: On Motion to Suspend the Rules and Pass, as amended, the Paterson Great Falls National Historic Parks Act, "aye".

Rollcall No. 984: On Motion to Suspend the Rules and Pass, as Amended, the Douglas County, Washington, PUD Conveyance Act, "aye".

Rollcall No. 985: On Motion to Suspend the Rules and Agree to Supporting the Goals of National Bullying Prevention Awareness Week, "aye".

STRONG SUPPORT OF PRIVILEGED RESOLUTION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. EVERETT. Madam Speaker, I rise in strong support of this privileged resolution to censure Representative PETE STARK (CA), offered by the Republican Leader. Like many of my colleagues, I was disgusted by the comments of the gentleman from California, Mr. STARK.

Regardless of his personal feelings on the war in Iraq or any other issue before Congress, Mr. STARK's comments were distasteful and not in keeping with the traditions of the House of Representatives. His despicable statements on October 18, 2007 .about the Commander in Chief, his colleagues in Congress, and the men and women who are serving our Nation in Iraq and Afghanistan should be condemned.

Mr. STARK just doesn't get it. The service and sacrifice of our men and women in uniform deserve to be honored and applauded in Congress—not chided and denigrated by his senseless remarks. I found his recent actions on the floor of the House to be extremely disrespectful of our military and our Commander in Chief. We face serious challenges at home and abroad and Mr. STARK should consider the impact of these comments before opening his mouth in the future.

A TRIBUTE TO JOSEPH SELLERS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor a man who rose through the Sheet Metal Worker ranks to become a figurehead and an important contributor to the Sheet Metal Worker community. Joseph Sellers, Jr. is a self-made man who has worked hard to get to where he is today. He began as an apprentice in 1980, and became a journeyman in 1984.

Joseph Sellers, Jr. began his career on the Local 19 Executive Board in 1994. Two years after, he was elected to the position of training coordinator, which he held for 4½ years. He followed this position with the position of business representative, and then was unanimously elected by the Local 19 Executive Board to the office of president and business manager. In June of 2003, he was again unanimously elected to this position. He is currently serving his third term in this office.

During his tenure on the Local 19 Executive Board for the Sheet Metal Workers, Mr. Sellers has held a number of other important positions, and left his mark in each of them. These titles include President of the Pennsylvania State Council of Sheet Metal Workers, President for the Metropolitan Association of Presidents and Business Representatives, President of the Board of Directors for the National Energy Management Institute, Vice President of the Philadelphia Building and Construction Trades Council, and Vice President of the Philadelphia AFL–CIO.

These are only a fraction of the prestigious positions Mr. Sellers has held. He has been an influential leader among all of the Sheet Metal Workers in Philadelphia and beyond. It is no small wonder, then, that he has been selected to receive the esteemed Labor Man of the Year Award for his unparalleled service and dedication to the Sheet Metal Workers community across Pennsylvania. I would like my colleagues to join me in honoring Joseph Sellers, Jr., without whom the title of Sheet Metal Worker would not have the same honor.

A TRIBUTE TO JOANN E. EVANS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor Joann E. Evans, one of my most distinguished constituents, for her service to the people of Philadelphia. Throughout her life, Ms. Evans has demonstrated unwavering loyalty to her community and church. The recipient of numerous rewards, she has held a number of leadership positions that allowed her to better our city.

She has showcased her administrative skills by serving as the Director of Support Services for the Center City Association and the Client Relations Manager for Penn Health Pass Corporation. In her efforts with Philadelphia's Mariama House and the United Negro College Fund, Ms. Evans has worked to advance the city's young adults.

In addition to her involvement in the community, Ms. Evans has furthered her commitment to education through participation in her church. She has worked as a youth minister and retreat leader for parochial schools and religious organizations throughout the Nation. As a contributing writer for The National Catholic Reporter and the Faith Alive Series, Ms. Evans shares this sense of faith and activism with readers.

As a native of Philadelphia, Ms. Evans has made a remarkable contribution to her city. I assure you that her leadership is felt by all members of this community. Once again, I congratulate and thank Ms. Evans for her immeasurable service to this Philadelphia.

HONORING THE LIFE AND PUBLIC SERVICE OF SENATOR ANTONIO R. UNPINGCO

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Ms. BORDALLO. Madam Speaker, I rise today to honor and recognize the life of Antonio Reyes Unpingco, a Guam leader whose service as a fourteen term Senator of the Guam Legislature will live in the Hearts of the people of Guam and the people of the Western Pacific region who knew him well. Sadly, Senator Unpingco passed away unexpectedly on October 18, 2007 at the age of 65 years. He leaves behind his wife, Emily Cruz Borja, his children Lisa, Christine, Raymond, Nicole, Noel, Meriza, Carlo, Aaron, Jerome, Daniel, and Paul. He also leaves behind several foster children and 16 grandchildren.

Tony Unpingco was born on April 22, 1942, five months after Guam was invaded by enemy forces on December 8, 1941. He grew up aware of the atrocities endured by his people during the occupation of Guam in World War II and he fought for justice for the suffering of the Chamorro people. As a founding member and Co-Chairman of the Mannengon Memorial Foundation and Chairman of the Fena Massacre Memorial Committee, Tony's record of public service reflects his strong commitment to the pursuit of justice for the Chamorro people. In 2003, he was appointed by Secretary of the Interior Gale Norton to the Guam War Claims Review Commission, a federal commission which examined the historical record of the occupation and reported to Congress on whether the people of Guam were treated with parity for purposes of war claims. His input and advocacy was vital in the formulation of the Commission's Final Report and its recommendations to Congress.

Tony graduated from Father Duenas Memorial School and attended the University of Guam and the University of Portland before graduating from Portland State University. He began his public service career in 1969 as the head of a Special Task Force charged by the Governor of Guam to automate the Government of Guam payroll system. In 1970, he served as Deputy Director of the Department of Administration of the Government of Guam. Then, in 1971, Tony served as the first Administrator of the Government of Guam Liaison Office in San Francisco.

Tony ran for the office of senator in 1976 and was elected. He served as Chairman of the Committee on General Governmental Operations and Military and Veterans Affairs of the 14th Guam Legislature. His election to the Guam Legislature in 1976 commenced an impressive record of winning election to every subsequent Legislature until his passing. His continuous service in the Legislature was interrupted only by his candidacy for Lieutenant Governor in 1986 and for Governor in 2002.

As a distinguished legislator, Senator Unpingco was selected by his colleagues to serve as Speaker for the 24th, 25th, and 26th Guam Legislatures. During his lengthy career he served as chairman and as a member of numerous committees. Most recently, during the 29th Guam Legislature, he served as the Chairman of the Committee on Tourism, Maritime, Military and Veterans' Affairs. Senator Unpingco also served in the leadership positions of Republican Co-Leader, Minority Leader, Assistant Minority Leader, and the Minority Whip for the Legislature.

Antonio Reyes Unpingco epitomized the noblest meaning of public service. He was a true public servant whose sense of duty and commitment to his people and his community transcended his loyalty to his political party. Among his legislative colleagues and contemporaries, Tony was a respected conciliator, constantly working to bridge contentious issues and to find common ground. Among all who have had the honor to serve with him, he will be remembered as a peacemaker. On the floor of the Guam Legislature, Tony maintained a demeanor of dignity and his statesmanship served as an example to his colleagues when controversial legislation was being considered. He reminded his colleagues that their noblest purpose as elected leaders was to serve the people. For this, he was appreciated and respected in all political circles. For his ability to bring peace and harmony to the halls of the Legislature, Tony Unpingco will be greatly missed by all the people of Guam.

Understanding the extraordinary commitment to public service of our veterans, Tony Unpingco wholeheartedly supported the needs of those who served our nation in defense of freedom. He worked with the many veterans' service organizations on Guam to ensure that those who served in our Armed Forces received the benefits they deserved. Working directly with these organizations, Tony Unpingco fought to ensure that their voices were heard.

Even above his political zeal, Tony Unpingco was dedicated to his community. A devout Catholic, he was an active member of the Santa Rita Parish Council, its ''Mom and Pop'' Choir, and the Knights of Columbus. He eagerly supported and participated in church activities and was instrumental in the rebuilding of Our Lady of Guadalupe Church. As a devoted family man, Tony dedicated much of his time to his children's school activities. Even after his children had grown and graduated, Tony and Emily continued to commit time and resources to the children of Guam. A loving husband of 42 years, Tony's devotion to his wife, Emily, and her devotion to Tony, made them inseparable. They represented the finest traditions of Chamorro graciousness and hospitality.

I am deeply saddened by the passing of my friend. As my colleague during my years as a Senator in the Guam Legislature, I learned to respect Tony and I valued his opinion and advice on many issues. I found him to be a man of integrity and honesty and, most of all, he was always sincere and always ready with an understanding, warm and friendly smile. Tony will be greatly missed by his family and friends, but his legacy of service and his devotion to public service will live on in our people and community forever.

A CELEBRATION OF JUDGE THOMASINE GRAYSON MASON

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize a long time friend and fellow South Carolinian Judge Thomasine Grayson Mason.

A graduate of the University of South Carolina, Judge Mason has been recognized as a Who's Who of American Women, a Who's Who in American Law, and a Who's Who in America. She has served as a public school teacher, a civil service representative during World War II, an attorney for the Department of Justice, one of the first elected females to the South Carolina State Senate, and most recently as an administrative law judge for the Social Security Administration's Office of Disability Adjudications and Review in South Carolina.

Throughout her seven decades of service to federal and state government, Judge Mason has earned a reputation as a hard working advocate and community leader. She has participated and continues to participate in numerous organizations at the local and Federal level—often holding positions of leadership.

Our family especially appreciates her friendship as she and my wife, Roxanne, have been

lifelong friends, and she has virtually adopted two of our sons, Alan and Julian, as her own.

On Saturday, we will congratulate Judge Mason on her 89th birthday and thank her for nearly 70 years of public service. She has dedicated her life to serving her country and the people of South Carolina. I applaud my friend Judge Mason on this occasion and wish her the best in the years to come.

PERSONAL EXPLANATION

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. KIND. Madam Speaker, I was detained in my district and was unable to have my votes recorded on the House floor on Monday, October 22, 2007, for H.R. 189 (rollcall No. 983), H.R. 523 (rollcall No. 984), and H. Res. 762 (rollcall No. 985). Had I been present, I would have voted in favor of these measures.

THE IMPORTANCE OF THE SERVICES INDUSTRY

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. KLEIN of Florida. Madam Speaker, I rise today in support of the buoyant U.S. services industry, an unsung American success story that will continue to ensure that our workforce is second to none in the global economy of the future.

Services impact every village, town, city, and State all across this country in nearly every sector of the economy. Just think about the services we all rely on: lawyers, doctors, bankers, insurance agents, accountants, nurses, college professors, restaurant workers, web designers, and software engineers. And there are many more service workers who touch our lives every day.

What is often lost in attention-grabbing headlines is that the United States has run a large trade surplus in services since 1971 with almost 90 percent of the $72 billion surplus generated by business and professional services.

Services accounted for 77.8 percent of U.S. private sector gross domestic product in 2005, or $8.5 trillion. The services industry remains the engine of growth in our economy and we must not take our eye off the ball.

The United States is also the world's largest and most competitive exporter of services. We have enjoyed surpluses in the services sector since the 1970s because U.S. companies are exporting a wide range of high-value services around the world that other nations value, like financial services, express package delivery, web hosting, or software design. We are second to none in the services sector against our international competitors. To keep our lead, we need to strive for fair and open markets around the world so that we can sell these services in other countries.

Close to 400 congressional districts have 70 percent or more of their workforce employed in the services industry. By 2012,19.2 million new services jobs will be created, which would account for 90 percent of all new job creation, according to the Coalition of Service Industries. This is a phenomenal achievement and clearly where our workforce of the future will come from.

In my home State of Florida and in my congressional district, some 85 percent of all our jobs stem from a wide variety of services. And we're growing. In 2002, there were 5.5 million Floridians involved in services employment. That number grew to 5.9 million by 2005. Between 2004 and 2005, Florida's exports of services grew 13 percent to $23 billion.

Services are being used in areas that we could hardly dream of just a decade ago. With today's fast-changing technology, services are provided around the globe—24 hours a day, 7 days a week. For instance, IBM, one of my constituents which employs nearly 1,200 highly skilled workers at its Boca Raton facility, is providing a host of innovative services from its south Florida hub, such as network services, integrated technology services, and e-business hosting.

To give you an example of the IBM skill set, the company is testing speech translation-based products in my district. One of the products currently undergoing testing is a "speech to speech" voice recognition translator with two-way real-time speech capability. IBM is donating this key technology to the U.S. Government to translate between Iraqi Arabic and English.

A user speaks into the system in one language, their speech is recognized, translated, and spoken in another language using a combination of IBM technologies. They are also donating 1,000 laptops or handheld devices plus 10,000 software licenses to support better communication between the U.S. military, Iraqi citizens, and aid organizations in Iraq. We sincerely appreciate this type of corporate commitment to our community.

Services are making the world more connected, allowing producers, consumers, and everyone in between to communicate and collaborate quickly and easily in every comer of the globe. Our service industries are constantly providing new ways to innovate, both here and abroad, to grow our economy.

I urge my colleagues on both sides of the aisle to recognize the impact and importance of this growing, vital sector to our economy and to keep fair and open markets that service providers need to achieve even greater success in the skills-based knowledge economy of the future.

CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 2007

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of this effort to override the President's veto of the State Children's Health Insurance Program Reauthorization Act.

This legislation would provide health care coverage for 10 million American children, at a cost of less than $3.50 a day per child. The State Children's Health Insurance Program Reauthorization Act is supported by individuals and organizations from across the political and ideological spectrum. It is supported by 81 percent of Americans, the majority of Congress, 43 Governors, and more than 270 organizations, including AARP, American Medical Association, and America's Health Insurance Plans.

The arguments against this bill are at best distorted and at worst flat wrong. This legislation targets low-income children, it utilizes private health insurance, and it is paid for. H.R. 976 is also a bipartisan compromise bill created with cooperation of the House, Senate, health care providers, and consumers. Most importantly, ensuring our children have health care is the right thing to do.

As a mom, it is unconscionable to me to choose not to provide health care for children in need. As a Member of Congress, I am disappointed, but not surprised, that this President has put politics before the health of America's families.

Investing in our children's health care must be a priority. I urge my colleagues to join me in voting to override the President's misguided veto of H.R. 976.

CONGRATULATING NEIL ARMSTRONG ELEMENTARY SCHOOL ON MOVING INTO THEIR NEW FACILITY

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. MAHONEY of Florida. Madam Speaker, today, Neil Armstrong Elementary School in Port Charlotte, Florida is celebrating the first day of school for the second time this year. It is my honor to rise today to congratulate the resilient and determined staff, students, and parents of Neil Armstrong Elementary School as they move into their new permanent school facility.

On August 13, 2004, the school's campus was completely destroyed by Hurricane Charley. Immediately following the Hurricane, the students attended classes on a split shift arrangement at Liberty Elementary School until they moved into a temporary modular school on the grounds of Port Charlotte Middle School.

Today, the students and staff move in to a brand new 112,000 square foot school. The newly completed school has been built to Leadership in Energy and Environmental Design, LEED, standards, which is a nationally accepted benchmark for design, construction and operation of high performance green buildings.

Neil Armstrong Elementary School is named in honor of the first man on the moon, Neil A. Armstrong. A replica of the space suit that he wore on his historic lunar voyage will be displayed in the lobby of the new school.

When Neil Armstrong took that first step on the moon, he understood the importance of his small step and how it represented the determination of mankind. Today, I am pleased to paraphrase Mr. Armstrong in recognizing that the first step on the new campus today represents a giant leap toward recovery from

the ravages of Hurricane Charley in Charlotte County.

On behalf of Florida's 16th Congressional District, I wish the Neil Armstrong Elementary School community our congratulations and our best wishes for a long and successful future in their new home.

CONGRATULATING MR. RON LEVY

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. AKIN. Madam Speaker, I rise today to recognize Mr. Ron Levy, an exceptional leader from my district in St. Louis, Missouri. Since 1999, Ron has served as President and CEO of SSM Health Care-St. Louis. Prior to that, Ron served with SSM Health Care for 30 years, beginning as a resident at St. Mary's Hospital in Madison, Wisconsin in 1976. During his tenure, Ron has served in various capacities at SSM which have included: President of St. Clare Hospital and Health Services in Baraboo, Wisconsin; President of SSM St. Mary's Health Center in Richmond Heights, Missouri, and President of SSM Physicians Organization in St. Louis, Missouri.

Ron's leadership over the years has been invaluable not only to the SSM health care system, but to the community as a whole. In 2005, Ron served as chair of the Missouri Hospital Association. Ron has served as a member of the St. Louis Regional Health Commission, and since its inception has worked tirelessly to ensure access and coverage for healthcare services for the medically uninsured and underinsured in the greater St. Louis region.

I am pleased to be able to honor Ron Levy today. He is a shining example of the great leadership we have in Missouri and I know all of my colleagues join me in wishing him the very best as he begins the next chapter in his life and career.

RESTORE ACT OF 2007

SPEECH OF

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 17, 2007

Mr. SHULER. Mr. Speaker, I rise today in opposition to House Resolution 746, providing for consideration of H.R. 3773, the RESTORE Act of 2007. While I support many of the provisions of the underlying bill, I remain concerned that this bill is silent on the issue of carrier liability.

This rule provides no opportunity to amend the bill to address this important issue. In my view that is a mistake, and one which I hope will be dealt with before the legislation is sent to the President for his signature.

The failure of this House to address the issue of carrier liability may have significant long term implications for our future ability to protect our citizens. I encourage my colleagues to consider the incentives the legislation creates and find a constructive way to deal with the carrier liability issue.

Therefore, while I do intend to support the underlying legislation when faced with an up or down decision later today, I oppose this closed rule, and urge the leadership of both Houses of Congress to work together during the conference process to address this issue. I urge my colleagues to vote "no" on this closed rule.

HONORING T.J. LEE ELEMENTARY AND IRVING INDEPENDENT SCHOOL DISTRICT FOOD SERVICE DEPARTMENT

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. MARCHANT. Madam Speaker, I rise today to pay tribute to T.J. Lee Elementary and the Irving Independent School District Food Service Department upon receiving the first coveted United States Department of Agriculture Gold School award in the state of Texas.

This honor was bestowed on Lee Elementary and IISD Food Service because of their strong commitment to the nutritional and physical well being of their students. Before an elementary school is granted this prestigious award, a stringent HealthierUS School challenge criteria must be met. Providing USDA nutrition standard school lunches, nutrition education to students, regularly scheduled physical activity and other lunch menu criteria are just a few of the measures required to obtain this recognition.

Fighting obesity in school children in the United States is of utmost importance. Lee Elementary and IISD Food Service Department are to be commended for their commitment in improving the health and well being of their students. The leadership they have shown helping students learn healthy eating habits and maintain an active lifestyle is an example to all of us.

Madam Speaker, I am proud to honor T.J. Lee Elementary and IISD Food Department for earning the United States Department of Agriculture Gold Award.

PAYING TRIBUTE TO CLAUDE "BLACKIE" EVANS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life of Claude "Blackie" Evans, who passed away on September 28, 2007.

Claude "Blackie" Evans was born on November 11, 1935 in Joplin, Missouri. He moved to Nevada with his wife in 1953. Initially, Blackie worked as a laborer and lathe operator at Titanium Metal Corporation. He then went on to work as a shop steward with the United Steelworkers of America #4856. There he was elected as the president of his local union and the youngest person to ever be elected to that position. After years of involvement and dedication, Blackie became the Executive Secretary-Treasurer of the Nevada State AFL–CIO. He served as liaison to the National AFL–CIO, National Labor Relations Board, and 150 affiliated local unions. In 1998, Blackie reached the pinnacle of his career serving as a member of the General Executive Board of the National AFL–CIO.

Over the years, Blackie was an integral part of our community. His commitment to his community extended beyond his experience with the AFL–CIO. He was a member of the State Mine Safety Advisory Board in 1969, and the State Job Training Board from 1979 to 1982. Additionally, he served on the state of Nevada's Vocation Education Training Board from 1980 to 1983, the State Industrial Insurance System Board of Directors from 1979 to 1993, and the Federal Solar Energy Education Board in 1994.

Madam Speaker, I am proud to honor Blackie Evans. His dedication to his community should serve as an example to us all. I send my deepest sympathies to his family and friends. His passing is a tremendous loss to Nevada.

HONORING PETTY OFFICER DANNY PHILLIP DIETZ

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. TANCREDO. Madam Speaker, I rise today to honor the sacrifice of a fallen hero and NAVY SEAL from my district, Petty Officer Danny Phillip Dietz of Littleton, Colorado. Petty Officer Dietz was killed two years ago during combat operations in Afghanistan.

On June 27, 2005, Petty Officer Dietz's four-man SEAL team was inserted into Afghanistan's remote Hindu Kush Mountains. His comrades included Petty Officer Matthew Gene Axelson of Cupertino, California, Petty Officer Marcus Luttrell of Huntsville, Texas, and Lieutenant Michael Murphy of Patchogue, New York. In the heavy fighting that followed the four men, experts not only in warfare but friends and members of a close-knit team, all faced the enemy opposition with inspiring valor and determination. Together they faced incredible odds, determined not only to do their duty but to give all that they had, each in the defense of the others. Ultimately overwhelmed, only Petty Officer Luttrell survived, and then with grievous wounds, to be rescued after several days of escape and evasion during which he continued to battle the enemy.

As Navy SEALs these four men exemplify the very best of America's young men and women, many of whom continue the battle on foreign shores or serve at home to protect our homeland. As valiant warriors they serve to inspire us in understanding not only the importance of Duty, Honor, Country, but also the importance of the unity of teamwork against all odds, regardless of our differences or where we are from.

Danny Dietz is not forgotten in his home town of Littleton, Colorado. This year on Independence Day, a large bronze statue was unveiled in Littleton's Berry Park to ensure that future generations will never forget his uncommon valor and selfless sacrifice. The citation awarding him the Navy Cross notes: "Demonstrating exceptional resolve and fully understanding the gravity of the situation and his responsibility to his teammates, Petty Officer Dietz fought valiantly against the numerically superior and positionally advantaged enemy

force. Remaining behind in a hailstorm of enemy fire, Petty Officer Dietz was wounded by enemy fire. Despite his injuries, he bravely fought on, valiantly defending his teammates and himself in a harrowing gunfight, until he was mortally wounded.''

Second only to the Medal of Honor, the Navy Cross is the Navy's highest award for military heroism. Since it was established in World War I it has only been awarded 6,923 times to members of the Armed Services and to only 4,544 members of the U.S. Navy. To date, in the Global War on Terrorism, 17 Marines and 6 members of the Navy have received the Navy Cross. Three of those Navy awards went to Petty Officers Dietz, Axelson, and Luttrell.

In addition to the 3 Navy Crosses and 4 Purple Hearts awarded to the four men in a single action, Lieutenant Murphy was also posthumously awarded the Medal of Honor. I hope that all Americans will take the time to reflect on the sacrifices of these brave men—and indeed all of those serving our Country around the world.

HONORING OLIVIA HARRINGTON RETIREMENT

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. MARCHANT. Madam Speaker, I rise today to honor Olivia Harrington upon her retirement for her volunteer work and community involvement in Duncanville, Texas.

Mrs. Harrington has been working with youth and volunteers for 25 years. She was the YW Teen Director for the YWCA for 13 years and also created and served as the Duncanville Teen Court Volunteer Coordinator for 12 years. Teen Court allows teens, who have committed Class C misdemeanors, to be judged by their peers in an authentic court setting with actual sentences being handed out. Teen volunteers serve as attorneys, clerks, bailiffs and jurors. Many students have contributed their success in adulthood to the lessons they learned from Mrs. Harrington's guidance participating in Teen Court.

Besides Teen Court Coordinator, Mrs. Harrington is involved in other numerous volunteer organizations. She's a charter member of Theta Pi Chapter, Epsilon Sigma Alpha service fraternity, the Duncanville Genealogy Club, the Ellis County Genealogy Society, and the Duncanville Book Review Club. In addition, Mrs. Harrington is a life member of the Ellis County Art Association, the Historic Waxahachie Inc. and United Methodist Women.

Mrs. Harrington has been recognized for her achievements when the Duncanville Teen Court received the TICA Spotlight Achievement Award for outstanding Teen Court in Texas in 2001. She was also honored by the Duncanville High School naming the Olivia Harrington Outstanding Volunteer Award for her in 2005.

Mrs. Harrington has a husband, Fred, and two beautiful daughters, Angie and Teenya.

Madam Speaker, I am proud to honor Olivia Harrington for her community activism which has enriched the lives of so many in Duncanville, Texas. I applaud her efforts and wish her the best in her future endeavors.

SOUTHERN CALIFORNIA FIRES

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 2007

Mr. BACA. Madam Speaker, I ask unanimous consent to revise and extend my remarks.

Over the past two days wildfires have exploded across Southern California, causing loss of life, and tens of thousands of acres of property and forest damage in San Bernardino, Riverside, San Diego, Los Angeles, Ventura, Santa Barbara and Orange Counties.

In the Inland Empire, fires have burned many acres of land across the northern part of my district in Lytle Creek, 300 acres in the Sierra Lakes neighborhood of North Fontana and 160 acres in Ontario. Thankfully those fires have now been fully contained and no homes have been reported damaged.

Unfortunately, there are currently more than 5,000 acres of land still being consumed by fires in the Mountain communities adjacent to my district. At last report, more than 136 homes have been destroyed and evacuations continue in this area. Schools in San Bernardino, Fontana and Ontario have all been closed. Children and families, friends, and even some of my staff have been affected.

Evacuees are receiving shelter at the National Orange Show which is down the street from my district office in San Bernardino. At last count there were around 1,800 evacuees being housed there. Unfortunately we are hearing reports that not everyone affected by this disaster is receiving shelter. The center is being administered by the American Red Cross but they are only accommodating evacuees from designated evacuation areas. Those that are homeless and victims that are evacuating themselves from non-designated areas filled with smoke are not being serviced. We should not allow self-imposed regulations to prevent service to people that are in need. We must serve all residents, including homeless individuals, regardless of identification or citizenship status.

All told, an estimated 350 homes will have been destroyed by these devastating fires. This means there are going to be many homeless families that will need food and shelter. In addition, we fear that our hospitals will see an influx of people with respiratory problems.

The Inland Empire is a major railway and highway transportation hub but these fires have practically shut down access to many affected communities by closing down Highway 330 and HWY 18 leaving only one road, HWY 38 available for vehicles to go up and down the mountain. We need help containing these fires so that rescue and recovery personnel can get to these communities.

The San Bernardino County's Department of Public Health has issued an air quality warning because of high soot levels in the air caused by the fires and the high winds. Inhaling these dangerous chemicals will undoubtedly create respiratory problems for many of our residents. I hope the American Red Cross and other federal assistance is available to our local first responders to ensure the public health needs of all affected individuals are met.

I thank President Bush for his quick response in declaring a state of emergency in the areas affected by the wildfires. In a letter sent earlier today, I asked that he gives all federal support possible, including personnel, equipment, and funding, necessary for a speedy recovery.

I also thank the brave men and women on the ground, who continue to fight the wildfires and evacuate those in harm's way. Throughout the day, I will be meeting with individuals from the U.S. Forest Service to remain as informed as possible on the coordination of federal and local activities. We are working to determine the best possible course of action to prevent further spread of the wildfires, and determine what future steps must be taken to ensure a quick and full recovery for those individuals and families whose lives are affected.

As Chair of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry I plan to hold hearings to explore what lessons we can learn from these fires to be better prepared in the future and what steps we must take from here to ensure the fastest recovery possible.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 3043, Labor/HHS/Education Appropriations Act.

Senate

Chamber Action

Routine Proceedings, pages S13205–S13271

Measures Introduced: Six bills were introduced, as follows: S. 2216–2221. **Page S13261**

Measures Reported:

S. 1845, to provide for limitations in certain communications between the Department of Justice and the White House Office relating to civil and criminal investigations, with an amendment in the nature of a substitute. (S. Rept. No. 110–203) **Page S13261**

Measures Passed:

Labor/HHS/Education Appropriations Act: By 75 yeas to 19 nays (Vote No. 391), Senate passed 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, after taking action on the following amendments proposed thereto: **Pages S13206–18, S13218–42**

Adopted:

Roberts Amendment No. 3365 (to Amendment No. 3325), to fund the small business child care grant program. **Pages S13206, S13209–10**

By 65 yeas to 28 nays (Vote No. 383), Enzi Amendment No. 3437 (to Amendment No. 3325), to prohibit the use of funds to modify certain HIV/AIDS funding formulas. **Pages S13206–09, S13214–15**

Harkin (for Smith) Modified Amendment No. 3351 (to Amendment No. 3325), to provide funds for programs under the Older Americans Act of 1965, for supportive services and senior centers to allow area agencies on aging to account for projected growth in the population of older individuals and inflation, for congregate and home-delivered nutrition services to help account for increased gas and food costs, and for the National Family Caregiver Support Program to fund the program at the level authorized for that program, for fiscal year 2008. **Pages S13216–17**

Harkin (for Smith/Biden) Modified Amendment No. 3376 (to Amendment No. 3325), to provide funding for the National Violent Death Reporting System within the Centers for Disease Control and Prevention. **Pages S13216–17**

Harkin (for Lautenberg) Amendment No. 3397 (to Amendment No. 3325), to require the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare and Medicaid Services, to submit a report to the Committee on Appropriations of the Senate on workers' compensation set-asides under the Medicare secondary payer set-aside provisions under title XVIII of the Social Security Act. **Pages S13216–17**

Harkin (for Cardin) Amendment No. 3401 (to Amendment No. 3325), to express the sense of the Senate that the Secretary of Health and Human Services should maintain "deemed status" coverage under the Medicare program for clinical trials that are federally funded or reviewed as provided for by the Executive Memorandum of June 2000. **Pages S13216–17**

Harkin (for Feingold) Modified Amendment No. 3430 (to Amendment No. 3325), to require the Comptroller General of the United States to submit a report to Congress on the strategies utilized to assist students in meeting State student academic achievement standards, including achieving proficiency on State academic assessments. (Subsequent to its adoption, the amendment was further modified.) **Pages S13216–17**

Harkin (for Hatch) Amendment No. 3436 (to Amendment No. 3325), to assess the impact of education funding in western states with a high proportion of public lands. **Pages S13216–17**

Harkin (for Lieberman/Dodd) Amendment No. 3418 (to Amendment No. 3325), to prohibit the use of funds to close a field office of the Social Security Administration before submission of a report justifying the closure. **Pages S13216–17**

Harkin (for DeMint) Amendment No. 3388 (to Amendment No. 3325), to prohibit the use of funds

by cities that provide safe havens to illegal drug users. **Pages S13216–17**

Kerry Amendment No. 3398 (to Amendment No. 3325), to provide funding for the Fire Fighter Fatality Investigation and Prevention Program.

Pages S13217–18

Harkin (for Hatch/Bennett) Modified Amendment No. 3443 (to Amendment No. 3325), to provide for a study on retreat room and pillar mining practices.

Page S13224

Harkin (for Kennedy) Modified Amendment No. 3433 (to Amendment No. 3325), to require the Secretary of Education to negotiate or renegotiate a voluntary flexible agreement so that the agreement is cost neutral. **Page S13225**

By a unanimous vote of 92 yeas (Vote No. 386), Cardin Amendment No. 3400 (to Amendment No. 3325), to provide support to Iraqis and Afghans who arrive in the United States under the Special Immigrant Visa program. **Pages S13206, S13225**

By 91 yeas to 3 nays (Vote No. 387), Ensign Amendment No. 3342 (to Amendment No. 3325), to prohibit the use of funds to administer Society Security benefit payments under a totalization agreement with Mexico. **Pages S13206, S13222–23, S13225–26**

By 92 yeas to 2 nays (Vote No. 388), Ensign Amendment No. 3352 (to Amendment No. 3325), to prohibit the use of funds to process claims based on illegal work for purposes of receiving Social Security benefits. **Pages S13206, S13223, S13226**

Vitter Modified Amendment No. 3328 (to Amendment No. 3325), of a perfecting nature.

Pages S13206, S13226–27

By 88 yeas to 6 nays (Vote No. 389), Bingaman Modified Amendment No. 3440 (to Amendment No. 3325), of a perfecting nature. **Page S13227**

Grassley/Sanders Modified Amendment No. 3396 (to Amendment No. 3325), to invest in innovation and education to improve the competitiveness of the United States in the global economy. **Pages S13227–29**

Harkin (for Durbin) Amendment No. 3449 (to Amendment No. 3404), to increase the number of nursing faculty and students in the United States, to encourage global health care cooperation.

Pages S13229–30

Harkin (for Schumer/Hutchison) Amendment No. 3404 (to Amendment No. 3325), to increase the domestic supply of nurses and physical therapists.

Pages S13229–30

Harkin (for DeMint) Amendment No. 3450 (to Amendment No. 3325), to prevent Federal employees from purchasing unnecessary first class or premium class airline tickets at taxpayers' expense.

Page S13230

Harkin/Specter Amendment No. 3325, in the nature of a substitute. **Pages S13206–18, S13218–41**

Rejected:

Coburn Amendment No. 3358 (to Amendment No. 3325), to require Congress to provide health care for all children in the U.S. before funding special interest pork projects. (By 68 yeas to 26 nays (Vote No. 384), Senate tabled the amendment).

Pages S13206, S13212–14, S13215

DeMint Amendment No. 3387 (to Amendment No. 3325), to replace non-competitive earmarks for the AFL–CIO with competitive grants. (By 60 yeas to 34 nays (Vote No. 385), Senate tabled the amendment). **Pages S13210–12, S13215–16**

By 40 yeas to 54 nays (Vote No. 390), McConnell/Lott motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the Senate with the total discretionary amounts not to exceed the amount, one hundred forty billion, nine hundred twenty million dollars ($140,920,000,000), recommended in the President's budget submitted to Congress for Fiscal Year 2008. **Pages S13230–32**

Withdrawn:

Lautenberg/Snowe Amendment No. 3350 (to Amendment No. 3325), to prohibit the use of funds to provide abstinence education that includes information that is medically inaccurate.

Pages S13206, S13217

Landrieu Amendment No. 3446 (to Amendment No. 3325), relative to the Elementary and Secondary School Counseling program. **Pages S13206, S13217**

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 S13206, S13224**

Chambliss Modified Amendment No. 3391 (to Amendment No. 3325), to provide for a declaration of a public health emergency with respect to Sumter County, Georgia. **Pages S13206, S13230**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Harkin, Inouye, Kohl, Murray, Landrieu, Durbin, Reed, Lautenberg, Byrd, Specter, Cochran, Gregg, Craig, Hutchison, Stevens, Shelby, and Domenici. **Pages S13224, S13242**

DREAM Act—Agreement: A unanimous-consent-time agreement was reached providing that on Wednesday, October 24, 2007, following disposition of the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, Senate resume consideration of the motion to proceed to consideration of S. 2205, to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United

States as children, provided that there be 20 minutes of debate equally divided between the Majority and Republican Leaders, or their designees, prior to the vote on the motion to invoke cloture on the motion to proceed to consideration of the bill. **Page S13224**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Protocol of Amendments to Convention on International Hydrographic Organization (Treaty Doc. No. 110–9).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Page S13270**

Southwick Nomination—Agreement: Senate began consideration of the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit. **Pages S13242–54**

A motion was entered to close further debate on the nomination, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Tuesday, October 23, 2007, a vote on cloture will occur at 11:00 a.m., on Wednesday, October 24, 2007. **Page S13242**

A unanimous-consent-time agreement was reached providing for further consideration of the nomination at 9:00 a.m., on Wednesday, October 24, 2007, with 2 hours of debate equally divided between the Chairman and Ranking Member of the Committee on the Judiciary, or their designees, that the time from 10:40 a.m. until 11:00 a.m. be divided and controlled by the Majority and Republican Leaders, that the Majority Leader control the final 10 minutes, and Senate then vote on the motion to invoke cloture thereon, and that if cloture is invoked Senate then vote immediately on confirmation of the nomination; provided further, that if cloture is not invoked on the nomination, the nomination be returned to the calendar. **Page S13270**

Nominations Received: Senate received the following nominations:

James Shinn, of New Jersey, to be an Assistant Secretary of Defense.

Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration for the term of five years.

Routine lists in the Foreign Service.

Pages S13270–71

Messages from the House: **Pages S13257–58**

Measures Referred: **Page S13258**

Measures Placed on the Calendar: **Page S13258**

Measures Read the First Time: **Page S13258**

Petitions and Memorials: **Pages S13258–61**

Additional Cosponsors: **Pages S13261–63**

Statements on Introduced Bills/Resolutions: **Pages S13263–67**

Amendments Submitted: **Pages S13267–69**

Authorities for Committees to Meet: **Pages S13269–70**

Record Votes: Nine record votes were taken today. (Total—391)

Pages S13215, S13216, S13225, S13226, S13227, S13232, S13242

Adjournment: Senate convened at 10 a.m. and adjourned at 9:28 p.m., until 9 a.m. on Wednesday, October 24, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13270.)

Committee Meetings

(Committees not listed did not meet)

RAILROAD REGULATION

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security concluded an oversight hearing to examine the Surface Transportation Board and regulation related to railroads, focusing on recent changes that have occurred in railroad rates and how those changes compare to changes in rail rates since 1985, the extent of captivity in the industry and Surface Transportation Board (STB) efforts to protect captive shippers, and STB actions to address Government Accountability Office (GAO) recent recommendations, including S. 953, to amend title 49, United States Code, to ensure competition in the rail industry, enable rail customers to obtain reliable rail service, and provide those customers with a reasonable process for challenging rate and service disputes, and S. 772, to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads, after receiving testimony from Charles D. Nottingham, Chairman, Surface Transportation Board, Department of Transportation; JayEtta Z. Hecker, Director, Physical Infrastructure Issues, GAO; Charles W. Moorman, Norfolk Southern Corporation, Norfolk, Virginia, on behalf of the Association of American Railroads; David J. McGregor, BASF Corporation, Florham Park, New Jersey; John B. Ficker, National Industrial Transportation League, and Glenn English, National Rural Electric Cooperative Association, both of Arlington, Virginia; and Robert Carlson, North Dakota Farmers

Union, Jamestown, on behalf of sundry organizations.

NOMINATIONS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the nominations of Todd J. Zinser, of Virginia, to be Inspector General, Department of Commerce, Robert Clarke Brown, of Ohio, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority, who was introduced by Senators Brown and Voinovich, and Carl B. Kress, of California, and A. Paul Anderson, of Florida, who was introduced by Senator Nelson (FL), both to be a Federal Maritime Commissioner, after the nominees testified and answered questions in their own behalf.

GLOBAL WARMING HEALTH IMPACTS

Committee on Environment and Public Works: Committee concluded a hearing to examine the human impacts of global warming, after receiving testimony from Julie L. Gerberding, Director, Centers for Disease Control and Prevention, Administrator, Agency for Toxic Substances and Disease Registry, Department of Health and Human Services; Donald R. Roberts, Division of Tropical Health, Department of Preventive Medicine and Biometrics, Uniformed Services University of the Health Sciences; Susan R. Cooper, Tennessee Department of Health, Nashville, on behalf of the Association of State and Territorial Health Officials; and Michael McCally, Physicians for Social Responsibility, Washington, D.C.

SIX YEARS AFTER ANTHRAX ATTACKS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the anthrax attacks of September and October 2001, focusing on our preparedness to respond to bioterrorism, after receiving testimony from Jay M. Cohen, Under Secretary of Homeland Security for Science and Technology; Gerald W. Parker, Principal Deputy Assistant Secretary, Office of the Assistant Secretary for Preparedness and Response, Department of Health and Human Services; Keith Rhodes, Chief Technologist, Center for Technology and Engineering, Applied Research and Methods, Government Accountability Office; and Tara O'Toole, University of Pittsburgh Medical Center (UPMC) Center for Biosecurity, Baltimore, Maryland.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the efficacy of the Energy Employees Occupational Illness Compensation Program (EEOICPA), focusing on our Cold War heroes, after receiving testimony from Senator Reid; Shelby Hallmark, Director, Office of Worker's Compensation Programs, Employment Standards Administration, and Malcolm D. Nelson, Ombudsman for the Energy Employees Occupational Illness Compensation Program, both of the Department of Labor; John Howard, Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Department of Health and Human Services; John Melius, New York State Laborers Health and Safety Trust Fund, Albany; and Ken Silver, East Tennessee State University Department of Environmental Health, Johnson City.

FBI STRATEGIC PLAN

Select Committee on Intelligence: Committee concluded a hearing to examine the Federal Bureau of Investigation (FBI) strategic plan, after receiving testimony from Thomas H. Kean, former Chairman, and Lee H. Hamilton, former Vice Chairman, both of the National Commission on Terrorist Attacks Upon the United States; and Willie T. Hulon, Executive Assistant Director, and Philip Mudd, Associate Executive Assistant Director, both of the National Security Branch, Federal Bureau of Investigation (FBI), Department of Justice.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 24 public bills, H.R. 3927–3950; and 6 resolutions, H. Res. 766–771, were introduced. **Pages H11933–34**

Additional Cosponsors: **Pages H11934–35**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Lincoln Davis to act as Speaker pro tempore for today. **Page H11849**

Recess: The House recessed at 9:06 a.m. and reconvened at 10 a.m. **Page H11850**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Bobby L. Johnson, First Assembly of God, Van Buren, Arkansas. **Page H11850**

Privileged Resolution: The House agreed to table H. Res. 767, raising a question of the privileges of the House, by a yea-and-nay vote of 196 yeas to 173 nays with 8 voting "present", Roll No. 986. **Pages H11853–54**

Point of Personal Privilege: Representative Stark rose to a point of personal privilege and was recognized. **Page H11854**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Violent Radicalization and Homegrown Terrorism Prevention Act of 2007: H.R. 1955, amended, to prevent homegrown terrorism, by a ⅔ yea-and-nay vote of 404 yeas to 6 nays, Roll No. 993; **Pages H11854–56, H11899–H11900**

Secure Handling of Ammonium Nitrate Act of 2007: H.R. 1680, amended, to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists; **Pages H11862–66**

Agreed to amend the title so as to read: "To authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes.". **Page H11866**

Eliminating the exemption from State regulation for certain securities designated by national securities exchanges: H.R. 2868, amended, to eliminate the exemption from State regulation for certain securities designated by national securities exchanges; **Pages H11866–68**

Joshua Omvig Veterans Suicide Prevention Act: Concur in Senate amendment to H.R. 327, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans, by a ⅔ yea-and-nay vote of 417 yeas with none voting "nay", Roll No. 987—clearing the measure for the President; **Pages H11868–73, H11886–87**

Charlie Norwood Department of Veterans Affairs Medical Center Designation Act: H.R. 1808, to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center", by a ⅔ yea-and-nay vote of 417 yeas with none voting "nay", Roll No. 988; **Pages H11873–78, H11887–88**

Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic Designation Act: H.R. 2408, to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic"; **Pages H11878–79**

Condemning the actions of September 7, 2007, resulting in damage to the Vietnam Veterans War Memorial: H. Res. 680, to condemn the actions of September 7, 2007, resulting in damage to the Vietnam Veterans War Memorial, by a ⅔ yea-and-nay vote of 418 yeas with none voting "nay", Roll No. 989; **Pages H11879–83, H11888**

Supporting and encouraging greater support for Veterans Day each year: H. Res. 237, to support and encourage greater support for Veterans Day each year; and **Pages H11883–85**

Third Higher Education Extension Act of 2007: H.R. 3927, to temporarily extend the programs under the Higher Education Act of 1965. **Pages H11385–86**

Amending the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas—Rule for Consideration: The House agreed to H. Res. 765, the rule providing for consideration of H.R. 1483, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, by a yea-and-nay vote of 231 yeas to 186 nays, Roll No. 992, after agreeing to order the previous question by a yea-and-nay vote of 228 yeas to 191 nays, Roll No. 991. **Pages H11894–97, H11898–99**

Virginia Ridge and Valley Act of 2007: The House passed H.R. 1011, to designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, and to provide for the development of trail plans for the wilderness areas and scenic areas, by voice vote. **Pages H11900–08**

Agreed to the Lamborn motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 236 yeas to 178 nays, Roll No. 994. Subsequently, Representative Rahall reported the bill back to the House with the amendment and the amendment was agreed to. **Pages H11907–08**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee

on Natural Resources now printed in the bill shall be considered as adopted. **Page H11902**

Accepted:

Goodlatte amendment (No. 1 printed in H. Rept. 110–403) that changes the boundary of the Brush Mountain East wilderness area, removing 26 acres which contain a power line; changes the boundaries of the Seng Mountain Scenic Area, removing 1,263 acres from the area to allow continued use of the Barton Gap Motorized trail and wildlife habitat management in key areas; changes trail language for the Raccoon Branch area, removing specific requirements to locate the trail along Rt. 650 and changing the connection road to Forest Development Road 49352. **Pages H11905–07**

H. Res. 763, 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 225 yeas to 190 nays, Roll No. 990.

Pages H11888–94, H11897–98

Quorum Calls—Votes: Nine yea-and-nay votes developed during the proceedings of today and appear on pages H11853–54, H11886–87, H11887–88, H11888, H11897–98, H11898, H11898–99, H11899–H11900, and H11907–08. There were no quorum calls.

Adjournment: The House met at 9:00 a.m. and adjourned at 9:43 p.m.

Committee Meetings

AGRICULTURE, RURAL DEVELOPMENT, FDA, AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies held a hearing on Broadband: Connecting Rural America. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Commerce, Trade. And Consumer Protection approved for full Committee action, as amended, the following bills: H.R. 2601, To extend the authority of the Federal Trade Commission to collect fees to administer and enforce the provisions relating to the ''Do-not-call'' registry of the Telemarketing Sales Rule; H.R. 3461, Safeguarding America's Families by Enhancing and Reorganizing New and Efficient Technologies Act of 2007; and H.R. 3526, To include all banking agencies within the existing regulatory authority under the Federal Trade Commission Act with respect to depository institutions, and for other purposes.

The Subcommittee also held a hearing on Enhancing FTC Consumer Protection in Financing Dealings, with Telemarketers, and on the Internet. Testimony was heard from Lydia B. Barnes, Bureau of Consumer Protection, FTC.

MARKET TO MARKET EXTENSION ACT OF 2007

Committee on Financial Service: Held a hearing on H.R. 647, Market to Market Extension Act of 2007. Testimony was heard from Theodore K. Toon, Deputy Assistant Secretary, Office of Affordable Housing Preservation, Department of Housing and Urban Development; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Ordered reported, as amended, the following measures: H.R. 3887, William Wilberforce Trafficking Victims Protection Reauthorization Act of 2007; H.R. 275, Global Online Freedom Act of 2007; H.R. 3890, Block Burmese JADE Act of 2007; and H.R. 1746, Holocaust Insurance Accountability Act of 2007.

The Committee favorably considered the following measures and approved a motion urging the Chairman to request that they be considered on the Suspension Calendar: H.R. 2705, amended, Compacts of Free Association Amendments Act of 2007; H.R. 2949, amended, Eurasia Foundation Act; H.R. 3320, Support for the Museum of the History of Polish Jews Act of 2007; H.R. 3913, To amend the International Center Act to authorize the lease or sublease of certain property described in such Act; H.R. 3912, Naval Vessel Transfer Act; H. Res. 435, amended, Expressing concern relating to the threatening behavior of the Iranian regime and its leader Mahmoud Ahmadinejad, and the activities of terrorist organizations sponsored by that regime in Latin America; H. Res. 550, amended, Congratulating the people of Ethiopia on the second millennium of Ethiopia; H. Res. 573, amended, Recognizing and commending the efforts of the United States public and Advocacy groups to raise awareness about and help end the worsening humanitarian crisis and genocide in Darfur, Sudan; H. Res. 726, amended, Calling on the President of the United States and the international community to take immediate steps to respond to and prevent the acts of rape and sexual violence against women and girls in Darfur, Sudan, eastern Chad and the Central African Republic; H. Res. 740, amended, Condemning in the strongest terms the attacks on African Union peacekeepers that occurred in Haskanita, Darfur, Sudan, on September 29, 2007; H. Res. 747, Recognizing the religious and historical significance of the festival of Diwali; H. Con. Res. 234, Calling on the

government of the People's Republic of China to respect the human rights of North Korean refugees; and H. Con. Res. 236, amended, Recognizing the close relationship between the United States and the Republic of San Marino.

IRAN SANCTIONS AND REGIONAL SECURITY

Committee on Foreign Affairs: Subcommittee on the Middle East and South held a hearing on Iran Sanctions and Regional Security. Testimony was heard from public witnesses.

VOTER REGISTRATION AND LIST MAINTENANCE

Committee on House Administration: Subcommittee on Elections held a hearing on Voter Registration and List Maintenance. Testimony was heard from Chris Nelson, Secretary of State, South Dakota; Larry Leake, Chairman, Board of Elections, North Carolina; Patricia Hollarn, Supervisor of Elections, Okaloosa County, Florida; Jackie Harris, General Registrar, Fairfax County, Virginia; and public witnesses.

ALLEGATIONS OF SELECTIVE PROSECUTION

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security and the Subcommittee on Commercial and Administrative Law held a joint hearing on Allegations of Selective Prosecution: The Erosion of Public Confidence in Our Federal Justice System. Testimony was heard from public witnesses.

GENOCIDE AND THE RULE OF LAW

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing on Genocide and the Rule of Law. Testimony was heard from Eli Rosenbaum, Director, Office of Special Investigations, Criminal Division, Department of Justice; and public witnesses.

HARDROCK MINING AND RECLAMATION ACT OF 2007; PUERTO RICO DEMOCRACY ACT OF 2007

Committee on Natural Resources: Ordered reported, as amended, the following bills: H.R. 2262, Hardrock Mining and Reclamation Act of 2007; and H.R. 900, Puerto Rico Democracy Act of 2007.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following bills: H.R. 816, Orchard Detention Basin Flood Control Act; H.R. 1311, Nevada Cancer Institute Expansion Act; H.R. 1922, Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2007; and H.R. 2246, To validate certain conveyances made by the Union Pacific Railroad Company of lands located in Reno, Nevada, originally conveyed by the United States to facilitate construction of transcontinental railroads. Testimony was heard from Representatives Berkley, Porter, and Mahoney of Florida; Mike Nedd, Assistant Director, Minerals, Realty and Recourse Protection, Bureau of Land Management, Department of the Interior; Karen J. Golonka, Mayor, Jupiter, Florida; Robert Cashell, Mayor, Reno, Nevada; and a public witness.

MISCELLANEOUS MEASURES; URANIUM MINING ON NAVAJO NATION

Committee on Oversight and Government Reform: Ordered reported the following measures: H. Res. 684, Congratulating Shawn Johnson on her victory in becoming the 2007 World Artistic Gymnastics Champion in women's gymnastics; H. Res. 759, Recognizing the 40th Anniversary of the Mass Movement for Soviet Jewish Freedom and the 20th Anniversary of the Freedom Sunday Rally for Soviet Jewry on the Mall in Washington, D.C.; H. Res. 728, Expressing the support and sympathy of the House of Representatives and the people of the United States for the victims of the devastating flooding that occurred across many parts of Ohio in August 2007 and commending the communities, volunteer organizations, churches and emergency response agencies for their continuing work to restore the affected areas across the state; H.R. 3446, To designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the " Michael W. Schragg Post Office Building"; H.R. 3470, To designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the "John Sidney 'Sid' Flowers Post Office Building"; H.R. 3511, To designate the facility of the United States Postal Service located at 2150 East Hardtner Drive in Urania, Louisiana, as the "Murphy A. Tannehill Post Office Building;" H.R. 3569, To designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building"; and S. 1896, To designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charon Post Office."

The Committee also held a hearing on the Health and Environment Impacts of Uranium Contamination in the Navajo Nation. Testimony was heard from Wayne Nastri, Regional Administrator, Region 9, EPA; David Geiser, Deputy Director, Office of Legacy Management, Department of Energy; Charles

E. Miller, Director, Office of Federal and State Materials and Environmental Management Programs, NRC; Robert G. McSwain, Acting Director, Indian Health Service, Department of Health and Human Services; and Jerry Gidner, Director, Bureau of Indian Affairs, Department of the Interior; and public witnesses.

CYBERSECURITY—EFFORTS TO SECURE INTERNET INFRASTRUCTURE

Committee on Oversight and Government Reform: Subcommittee on Information, Census, and National Archives held a hearing on Cybersecurity: A Review of Public and Private Sector Efforts To Secure Our Nation's Internet Infrastructure. Testimony was heard from Gregory T. Garcia, Assistant Secretary, Cyber Security and Communications, Department of Homeland Security; Gregory C. Wilshusen, Director, Information Technology, GAO; Daniel S. Ross, Chief Information Officer, State of Missouri; and public witnesses.

GEOSTATIONARY WEATHER SATELLITE PROGRAM

Committee on Science and Technology: Subcommittee on Energy and Environment held a hearing on GAO's Report on the Status of NOAA's Geostationary Weather Satellite Program. Testimony was heard from David Powner, Director, Information Technology Management Issues, GAO; and Mary Ellen Kicza, Assistant Administrator, Satellite and Information Services, NOAA, Department of Commerce.

HIGHWAY BRIDGE INSPECTION

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Highway Bridge Inspection. Testimony was heard from King Gee, Associate Administrator, Infrastructure, Federal Highway Administration, Department of Transportation; Matthew Garret, Director, Department of Transportation, State of Oregon; Bart Andersen, Level 2 Bridge Inspector, Department of Transportation, State of Minnesota; and public witnesses.

CIA ACTIVITY—PART III

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence met in executive session to continue hearings on CIA Activity, Part III. Testimony was heard from departmental witnesses.

COMMITTEE MEETINGS FOR WEDNESDAY, OCTOBER 24, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: business meeting to mark up the 2007 Farm Bill, 10 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment, to hold hearings to examine international accounting standards, focusing on opportunities, challenges, and global convergence issues, 2 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the future of radio, 10 a.m., SR–253.

Committee on Environment and Public Works: Subcommittee on Private Sector and Consumer Solutions to Global Warming and Wildlife Protection, to hold hearings to examine S. 2191, to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, 2:30 p.m., SD–406.

Committee on Foreign Relations: Subcommittee on African Affairs, to hold hearings to examine the United States role in consolidating peace and democracy in the Great Lakes region, 9:30 a.m., SD–419.

Full Committee, business meeting to consider the nominations of Henrietta Holsman Fore, of Nevada, to be Administrator of the United States Agency for International Development, Robin Renee Sanders, of New York, to be Ambassador to the Federal Republic of Nigeria, Barry Leon Wells, of Ohio, to be Ambassador to the Republic of The Gambia, Mark M. Boulware, of Texas, to be Ambassador to the Islamic Republic of Mauritania, James D. McGee, of Florida, to be Ambassador to the Republic of Zimbabwe, Ronald K. McMullen, of Iowa, to be Ambassador to the State of Eritrea, P. Robert Fannin, of Arizona, to be Ambassador to the Dominican Republic, Christopher Egan, of Massachusetts, to be Representative of the United States of America to the Organization for Economic Cooperation and Development, with the rank of Ambassador, Louis John Nigro, Jr., of Florida, to be Ambassador to the Republic of Chad, David T. Johnson, of Georgia, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs), Paul E. Simons, of Virginia, to be Ambassador to the Republic of Chile, Gail Dennise Mathieu, of New Jersey, to be Ambassador to the Republic of Namibia, Dan Mozena, of Iowa, to be Ambassador to the Republic of Angola, Eunice S. Reddick, of New York, to be Ambassador to the Gabonese Republic, and to serve concurrently and without additional compensation as Ambassador to the Democratic Republic of São Tomé and Príncipe, Daniel V. Speckhard, of Wisconsin, to be Ambassador to Greece, Thomas F. Stephenson, of California, to be Ambassador to the Portuguese Republic, Vincent Obsitnik, of Virginia, to be Ambassador to the Slovak Republic, William H. Frist, of Tennessee, to be a Member of the Board of Directors of the Millennium Challenge Corporation,

George E. Pataki, of New York, to be a Representative of the United States of America to the Sixty-second Session of the General Assembly of the United Nations; to be immediately followed by an open hearing to examine issues relative to the global fight against HIV/AIDS, 1:45 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine ways to build an effective terrorist screening system, 10 a.m., SD–342.

Committee on the Judiciary: to hold hearings to examine the nominations of Ronald Jay Tenpas, of Maryland, to be an Assistant Attorney General, Joseph N. Laplante, to be United States District Judge for the District of New Hampshire, Reed Charles O'Connor, to be United States District Judge for the Northern District of Texas, Thomas D. Schroeder, to be United States District Judge for the Middle District of North Carolina, and Amul R. Thapar, to be United States District Judge for the Eastern District of Kentucky, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the role of federally-funded university research in the patent system, 1:30 p.m., SD–226.

Committee on Veterans' Affairs: to hold hearings to examine pending legislation, 9:30 a.m., SD–562.

Special Committee on Aging: to hold hearings to examine hidden 401K fees, focusing on ways that disclosure can increase retirement security, 10:30 a.m., SD–628.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review reauthorization of the Commodity Futures Trading Commission, 1:30 p.m., 1300 Longworth.

Committee on Armed Services, hearing on Air Force Strategic initiatives, 9 a.m., 2118 Rayburn.

Committee on the Budget, hearing on the Growing Budgetary Costs of the Iraq War, 10 a.m., 210 Cannon.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled ''NASPER'': Why Has the National All Schedules Prescription Electronic Reporting Act Not Been Implemented? 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing entitled ''Legislative Proposals on Reforming Mortgage Practices,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, hearing on U.S. Policy in the Middle East, 9:30 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border Maritime, and Global Counterterrorism and the Subcommittee on Management, Investigations and Oversight, joint hearing entitled ''The Future of Border Security: Can SBInet Succeed?'' 2 p.m., 311 Cannon.

Committee on House Administration, oversight hearing on the Library of Congress: Current Issues in Library Management, 11 a.m., 1310 Longworth.

Committee on the Judiciary, to mark up the following: the Procedural Fairness for September 11th Victims Act of 2007; H.R. 2405, Proud to Be an American Act; H.R. 2884, Kendell Frederick Citizenship Assistance Act; H.R. 1512, To amend the Immigration and Nationality Act to provide for compensation to State incarcerating undocumented aliens charged with a felony or two or more misdemeanors; H.R. 1312, Arts Require Timely Service (ARTS) Act; H.R. 3609, Emergency Home Ownership and Mortgage Equity Protection Act of 2007; H.R. 2830, Coast Guard Authorization Act of 2007; and to consider a resolution that submissions to the Committee on its website tip line for Justice Department employees be received in executive session; and H.R. 2128 Sunshine in the Courtroom Act of 2007, 10:15 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans, hearing on the following bills: H.R. 1187, Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act; H.R. 1907, Coastal and Estuarine Land Protection Act; and H.R. 3352, Hydrographic Services Improvement Act Amendments of 2007, 10 a.m., 1324 Longworth.

Subcommittee on Water and Power, hearing on the following bills: H.R. 496, Tumalo Water Conservation Project Act of 2007; H.R. 3323, Goleta Water Distribution System Conveyance Act of 2007; H.R. 3437, Jackson Gulch Rehabilitation Act of 2007; and H.R. 3739, To amend the Arizona Water Settlements Act to modify the requirements for the statement of findings, 2 p.m., 1334 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Domestic Policy, hearing on Upholding the Spirit of CRA: Do CRA Rating Accurately Reflect Bank Practices? 2 p.m., 2154 Rayburn.

Committee on Rules, to consider the following measures: H.R. 3685, Employment Non-Discrimination Act of 2007; and H.R. 3867, Small Business Contracting Program Improvements Act, 2 p.m., H–313 Capitol.

Committee on Science and Technology, to mark up the following: H.R. 1834, National Ocean Exploration Program Act; H.R. 2406, To authorize the National Institute of Standards and Technology to increase its efforts in support of the integration of the healthcare information enterprise in the United States; and H.R. 3877, Mine Communications Technology Innovation Act, 10 a.m., 2318 Rayburn.

Committee in Small Business Subcommittee on Finance and Tax, hearing on Pension Parity: Addressing the Inequities between Retirement Plan Options for Small and Large Businesses, 10 a.m. 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on Aviation and the Environment: Noise, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Oversight and Investigations, hearing on Sharing Electronic Medical Records between Department of Defense and Department of Veterans Affairs, 10 a.m., 334 Cannon.

Committee on Ways and Means, to mark up the Trade and Globalization Assistance Act of 2007, 10 a.m., 1100 Longworth.

Select Committee on Energy Independence and Global Warming, hearing on The Gas is Greener on the Other Side: the Future of Biofuels, 9:30 a.m., 2175 Rayburn.

Next Meeting of the SENATE

9 a.m., Wednesday, October 24

Senate Chamber

Program for Wednesday: Senate will continue consideration of the nomination of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, and after a period of debate, vote on the motion to invoke cloture thereon, and then vote on the confirmation of the nomination if cloture is invoked; following the disposition of the nomination, Senate will resume consideration of the motion to proceed to consideration of S. 2205, DREAM Act, and vote on the motion to invoke cloture thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, October 24

House Chamber

Program for Wednesday: To be announced.

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